THE ATLANTA CONSTITUTION.

BY W. A. HEMPHILL & CO.} ATLANTA. GEORGIA, WEDNESDAY. SEPTEMBER 6. 1871. {VOLUME IV---NUMBER 73

Evening Edition.

TUESDAY, SEPTEMBER 5, 1871.

☞ *See Fourth Page, for interesting Reading*

Georgia Matters.

Captain N. B. Brown and E. S. Hackett Esq., have leased the Screven House, of Savannah, for a term of years. Captain Fred J. Clark died Saturday night from injuries inflicted from a fall from his horse.—*Savannah News.*

A load of sugar cane was sold in Bainbridge at five cents per stalk. Samuel Lewis, of Bainbridge, died on the 25th August. The dining room of T. J. Thompson of the above place, was struck by lightning one day last week.—*Bainbridge Argus.*

Col. Lee and Bob Rawlins are building a handsome steam saw-mill in Rome. One of the greatest drawbacks to the growth of Rome is the high price at which real estate is held. The Rome Iron Manufacturing Company, J. S. Bones, & Co., agents, shipped, during the month of August 1,666 kegs of nails. Cothran & Maguire, Agents for Cornwall Iron Works, also shipped, during the month of August, 72 tons of pig iron to the Tredegar iron works, of Richmond.—*Rome Commercial.*

The health of Sparta is excellent. A large number have been in attendance at the colored people's camp meeting at Dixie since its commencement. Rev. Walker Lewis, of Sparta, has been appointed pastor of the Methodist Church in Americus. On last Friday night a hurricane of about a quarter of a mile in width passed near Devereux blowing down fences, twisting off and tearing up trees by the roots, and blowing down five houses on the premises of F. A. Staser. *Southern Times and Planter.*

The revivals at the Baptist, Methodist, and Presbyterian Churches in Griffin are still progressing, and are having a good influence on the community. Many have been aded to all the churches. There was some little alarm in the Baptist Church in Griffin Sunday night, caused by the giving way of one of the gerders near the pulpit. Dried fruit is selling on the streets of the above town at 8 cents per pound. Col. L. P. Doyle is well again. Jasper county has quite a number of Swedes employed as laborers. On Friday night, Alderman George's, stable in Griffin, was burned, also two fine mules, which were in the stable. W. H. Denis killed a sea Gull at Osborn's mill, near Griffin; it measured two feet from tip to tip, and weighed but two ounces. Mr. and Mrs. F. J. Wildman, of Templeton's theatrical troupe had a child to die at the Grant House on Sunday morning. *Griffin Star.*

The Methodist and Baptist Churches at Jackson, Butts county, have been blessed with interesting revivals of religion. The warehouses of Griffin shipped the last cotton year, ending September 1st, 23,359 bales. Number of bales on hand 330. Since the revival of religion has been progressing in Griffin, some sixty odd persons have connected themselves with the various churches. Griffin was excited by a rumor that a young man by the name of Williams, a journeyman taylor, was found dead near the line of Pike county. The facts are Williams some time since located in Griffin, having but little clothing and without money, a Mr. Glass employed him and befriended him, "put a begger," etc., held true in Williams' case. He began to put on airs, reported it that he intended to marry the daughter of Mr. Glass, exhibited forged letters from her, and endeavored to implicate certain respectable young men in a plot to steal the young lady, whom he intended to forcibly marry. The young men, who did not know him, determined to give him a sound thrashing, and accordingly went in search of Williams, who was running away from the town. Mr Glass requested that he might accompany them. They consented. Williams was overtaken near the line of Pike county. Glass sailed into him with a hickory stick, and left him apparently senseless on the ground. This senselessness was affected, in order to escape further beating. Hence the rumor that he was killed.—*Middle Georgian.*

Communicated

Clews & Co, and H. I. Kimball.

Editors Constitution: The subjoined dispatch announces a fact of some interest to the American people, and especially the people of Georgia. It is well known that Henry Clews & Co., are the financial agents for Georgia, and treasurer of the Brunswick and Albany Railroad Company. It is also well known that they are financially connected with the Mr. H. I. Kimball his gigantic enterprises for the development of Georgia's resources and the prosperity of the State.

It is in view of this last fact that the dispatch assumes proportions of the liveliest importance to Georgians. It affords unmistakable evidence of the strength of the house, and the high esteem in which it is held by American and European capitalists, and should put a quietus to the conspiracies that seek by slander and detraction to impair the credit and defeat the operations of Mr. Kimball.

A house so strong and standing so high in the commercial world as to supercede the Baring Brothers & Co., and bear off the palm in a contest with Jay Cooke & Co., for the American Agency, is not likely to play petty tricks for a few million of doubtful securities, and it is less likely that such a house would accept association with one so weak, insignificant and corrupt in the money circles, as the conspirators depict Mr. Kimball to be.

Here is the dispatch:

WASHINGTON, September 1.

Clews, Hobich & Co., of London, the foreign house of Henry Clews & Co., has been designated as the Fiscal Agents of the United States Government at London—a trust which, until now, has been vested in house of Baring, Brothers & Co. Thirty years ago, after the negotiation of the Ashburton treaty, the agency was taken from the Bank of England, which had held the office ever since the establishment of American independence, and given to Baring, Brothers & Co., in compliment to Lord Ashburton, who was a member of that firm, and who negotiated the treaty which bears his name.

For over a quarter of a century Messrs. Baring Brothers have transacted the business for this government, and the account is now transferred to Clews & Co., as a recognition of their valuable services in procuring the negotiation of the several loans during and since the war.

All the money received in the Diplomatic services, and all collections of the United States Consuls in Europe and South America, and part of Asia and Africa, are remitted to this agency in London, which is the official representative of the Government in all financial matters relating to foreign countries.

GEORGIAN.

Hiwassee Railroad.

This railroad was chartered by the State of Georgia in 1857, and called forth the powerful veto message of Governor Johnson, of that State, which has been long considered one of the ablest arguments in favor of the construction of the Blue Ridge Railroad by the State of South Carolina. The Hiwassee Railroad is projected to connect Clayton, Ga., with Ducktown, where immense copper mines are located and now being succesfully operated, and with Cleveland, on the East Tennessee and Georgia Railroad.

The charter has remained dormant to the present time, but we are now informed that the amount of stock required by the charter has been subscribed, and that the company will soon be organized by the election of officers. We are not apprised what particular interest this is to subserve, whether the Northeastern R. R. in Georgia, the Augusta and Clayton, or the Blue Ridge R. R., but we are liberal enough to desire to see the Road constructed, with the hope that our State and people will derive some proportion of the great advantage flowing from a close and independent connection, through this fertile valley, with Chattanooga.—*Anderson Intelligencer.*

A New Orleans publisher is about to issue a novel called "Mardi-Gras," by Mr. J. Curtis Waldo, a native of that city, now associated with the Times.—*Times.*

BY TELEGRAPH.

ASSOCIATED PRESS DISPATCHES.

NEW YORK.

NEW YORK, September 5.—At last night's meeting at Cooper Institute, speeches were made by Havemye, Oswald, Ottendorf, Judge Peripont, Judge Emett, Congressman Rosevelt and others. Resolutions were introduced and read by Joseph H. Choate, and an executive committee of 20, composed of prominent citizens irrespective of party, was appointed to demand an exhibition of the city account, and recover whatever sums have been fraudulently abstracted, and urge State legislation in the matter.

No European or coast steamers are over due at this port.

TENNESSEE.

MEMPHIS, September 5.—The cotton reports since Friday are very gloomy. Shedding from drought commenced in low lands, especially in Arkansas.

KENTUCKY.

LEXINGTON, September 5.—The fall meeting commenced on Monday. Several noted horses are already here. The sport promises to be unusually interesting.

The highest official majority is for Henderson, Superintendent of Public Instruction—41,270.

ILLINOIS.

CHICAGO, September 5.—There is a serious drought in Southern Illinois.

UTAH.

SALT LAKE, September 5.—A Mormon Elder was arrested for concealing and refusing to deliver up a convict sentenced to fifteen years imprisonment.

The mining transactions yesterday amounted to three-fourths of a million.

There are reports of rich discoveries from all points.

The Episcopal Church was consecrated today.

IRELAND.

DUBLIN, September 5.—There was fierce fighting all night. The police were driven to their barracks, but received reinforcements and charged the crowd desperately. They were driven into the barracks again. The rally was repeated several times, but with the same result. A bar of iron was thrown from a public house at the police, which led to the storming of the house and the capturing of the inmates. An attempt was made to rescue them by a mob. In a battle which followed the house was completely wrecked by the mob in its frantic rage. Half the policemen engaged in the affray were injured. The prisoners sang national songs all night. There is great excitement and it is increasing.

FRANCE.

PARIS, September 5.—There are sixty thousand in the city, and constant patrol is kept up. Government was informed of the intended demonstration of the Internationals on the 4th inst., and orders for its repression are absolute and severe. Lyons, Marsailles, and Bordeaux, are filled with troops.

Presidential.

As it is now quite fashionable for newspapers to be making Presidential nominations, we will enter the following ticket, and ask our friends of the press, "how will it do for high?' We propose the ticket, because it is fashionable, and because we think it would win in any canvass. For President—General Hancock, of Pennsylvania. For Vice-President—Governor Brown, of Missouri. Secretary of State, Charles F. Adams, of Massanchusetts; Secretary of War, Gen. McCook of Ohio; Secretary of the Navy, Gov. Walker of Virginia; Secretary of the Treasury, Gov. Hoffman of New York; Secretary of the Interior, Gov. Randolph of New Jersey; PostMaster General, Gov. Haight of California; Attorney General, Jas. B. Beck of Kentucky; Commissioner of Agriculture, J. B. Killebrew, Agricultural editor of the Nashville Union and American. —*Union City Courier.*

☞ Among the most interesting of the "relics of crime" garnered in New York city, is a wire window ladder, the like of which has never before been seen. It is about ten feet long when stretched out, made of steel wire about a quarter of an inch thick, with cross steps of polished wood about six inches long. The burglar gets into the room over the one which he wishes to enter, fastens the hooks to the window sill, drops the ladder outside, and runs down to the window below. Having gone through the apartment, he runs up his ladder, pulls it in, and folds it up into such a compass that he can pack it in a small hand bag.—*Index.*

From the Macon Telegraph.

PROFIT OF STREET RAILROADS.—An intelligent Savannah merchant recently informed us that the statistics of these roads show large profits in every city numbering as many as twelve thousand inhabitants, while they have proved a success in even smaller towns. The Savannah enterprise, which was completed a little more than one year ago, and cost $80,000, has already earned $20,000, or twenty per cent. upon its capital.

A LARGE MIRROR.—A piece of glass measuring 100 superficial feet, recently underwent the process of silvering at the works of Messrs. Pratt & Co., Peasley's Cross, St. Helen's, Lancashire, England. This is said to be the largest mirror ever turned out at any establishment in Lancashire, and, with one or two exceptions, the largest ever done in England. The silvering was accomplished by the new process, by which the mirror is completed in 40 hours, instead of occupying ten days.

☞ A clergyman, who owned a farm, found his ploughman sitting on his plough resting his horse. Quote the clergyman: "John, would'nt it be a good plan for you to have a good stub scythe here, and be cutting a few bushes along the fence while the horses are resting a short time?" "Wouldn't it be well, sir," said John, "for you to have a tub of potatoes in the pulpit, and when they are singing, peel 'em awhile to be ready for the pot?"

EMBEZZLEMENT.—The Grand Jury of Monroe county last week, found a true bill vs. Moses A. Potts, Ordinary, for embezzlement of the county funds. He is, we learn from the Solicitor General *pro tem.*, to be tried this week. He was a deserter from the Southern army in the late war.—*Middle Georgian.*

Telegraphic Markets.

NEW YORK, September 5.—Cotton firm; middling uplands 20; Orleans 20½; sales 13 bales.

Flour 5c better. Wheat 2c better. Corn a shade better. Pork steady; mess $13 75. Lard steady at 9⅞a9½. Turpentine quiet at 51a51½. Rosin quiet $3 10a3 20 for strained. Freights firm. Stocks strong and very active. Governments dull but steady. Money easy at 3. Gold firm at 13¼. Exchange—long 8¾; short 9¼.

LONDON, September 5, noon.—Consols 93⅛; Bonds 93¾.

PARIS, September 5.—Rentes 57f 30c.

FRANKFORT, September 5.—Bonds 97¼.

LIVERPOOL, September 5, noon. — Cotton opened firm; uplands 9⅛a9¼; Orleans 9½a9¾.

LATER.—Cotton firm. Sales 12,000 bales; speculation and export 3,000.

Breadstuffs firm; red winter wheat 11s 1d. Corn 29s 9d.

The Livest, Best, Cheapest.

THE RURAL SOUTHERNER.

A LARGE Twenty-four page Agricultural and Family Monthly. Edited by SAM'L A. ECHOLS.

ONLY ONE DOLLAR PER ANNUM.

Address ECHOLS & WILSON, Publishers.
aug22—d1m

Buy the Telegraph Feed Cutter.

IT is the most durable and and simplest in the market. For sale in Georgia, only by
aug10—d1m ECHOLS & WILSON.

BUSINESS DIRECTORY.

☞ Cards of six lines or less, under this head inserted for twenty-five dollars for one year; fifteen dollars for six months; ten dollars for three months; five dollars for one month. Payable in advance.

PROFESSIONAL CARDS.

S. D. McCONNELL, Attorney at law. Office over Phillips & Crew's Bookstore, corner Marietta and Peachtree streets, Atlanta, Georgia. P. O. Box 145. july30—d3m

PEEPLES & HOWELL, Attorneys at Law, Atlanta Ga. Office No. 24, H. I. Kimball House.
C. PEEPLES. E. P. HOWELL.
july16—d1y

DR. WM. HENRY CUMMING, having removed to Atlanta, offers to the public his Medical Services. Office over Phillips & Crews' Book Store corner of Marietta and Peachtree streets. Residence in the same building. july2—d3m

DRS. LOVE & INGRAHAM, office Powell Hall, junction Peachtree and Broad streets, residence (and home office) corner Ivy street, near Houston, P. O. Box 142.
WM. ABRAM LOVE, M. D. E. P. INGRAHAM, M. D
feb21—d1y

DR. E. S. BILLUPS, Resident Dentist. Office over Chamberlin & Boynton's, Whitehall street Atlanta, Georgia. jan7—d1f

Notice to Contractors.

SEALED PROPOSALS will be received until Wednesday, September 20th, at 12 o'clock, M., for Building a Police Station House and City Offices, according to Plans and Specifications to be seen at the office of Parkins & Allen, Kimball House. The right to receive or reject any and all bids reserved by the city.

C. P. CASSIN,
Chairman Building Committee,
sep5—d2w At office of Parkins & Allen.

Coal! Coal! Coal!

40,000 BUSHELS SODDY CREEK COAL the best in East Tennessee, delivered on the cars at Chattanooga, at eighteen (18) cents per bushel. Liberal terms made with dealers.

J. H. COKER,
Market Street, between 4th and 5th streets,
aug22—d1m Chattanooga, Tenn.

For Rent---From October 1st.

THE HALL AND ROOMS NOW OCCUPIED by the

"Concordia Association."

Inquire of DARWIN G. JONES.
sep5—dtf

Shavings! Shavings!!

FINE SHAVINGS, suitable for stable bedding, can be had for the hauling, at the Phoenix Planing Mill.

LONGLEY & ROBINSON,
sep1-d2w Proprietors.

HOUSE AND FURNITURE For Sale or Rent.

A NEW COTTAGE on College Hill, having four rooms and a kitchen and servants' room, also, all necessary outbuildings. Furniture new. Lot 50 feet by 125. Healthy location, excellent water and fine view. Would exchange for city property nearer to the depot. Apply at the
sep5—d2w GEORGIA LOTTERY OFFICE.

Stop! Look! Read!

JAMES SAUNDERS, Picture Dealer, No. 53 Peachtree street, up-stairs over J. R. Wylie's store, has just received a large stock of those BEAUTIFUL PICTURES, which we referred to in our columns a day or two since, "entitled the Confederate Note Memorial." The public are respectfully requested to call and examine the same. sep5—d3t

Tax Payers, Take Notice.

I AM instructed by the Finance Committee of the City Council to give notice that the City Taxes are now due and that the financial condition of the city requires prompt payment.

You will also see from the proceedings of Council, at its last meeting, that they extended the time to all delinquents up to the Fifteenth of September, provided payment was made at time of giving in.

Come up, and don't all wait until the last day.

Respectfully, JOHN THOMAS,
sep5—d1m Receiver and Collector.

Turnip seed,

FRESH AND GENUINE.

ALL Varieties at
ECHOLS & WILSON,
aug22—d1m Broad Street (by the Bridge.)

BUY

YOUR AGRICULTURAL IMPLEMENTS,
MACHINERY,
Grass Seeds and Garden Seeds,
AT ECHOLS & WILSON'S.

WE deal with manufacturers and producers—pay Cash, sell for Cash—and cannot be undersold. Call on
aug22—d1m ECHOLS & WILSON.

Educational.

LAW SCHOOL,

University of Virginia.

LECTURES BEGIN OCTOBER 1ST.

☞ For Catalogues, address

CHAS. S. VENABLE,
Chairman of Faculty.
P. O. University of Virginia.
sep5—d2w

INSTRUCTION IN MUSIC.

PROF. SHARP AND LADY have returned to Atlanta for the purpose of establishing themselves permanently in their profession. They have opened rooms in the GRANT BLOCK, corner of Broad and Marietta streets where they will be happy to see any of their former patrons, and all others, who may wish to be thoroughly taught in VOCAL and INSTRUMENTAL MUSIC. For terms of instruction upon Piano, Guitar, etc, please call at their rooms. Entrance on Broad street. sep5—d1m

"ELECTIC INSTITUTE,"

Baltimore,

37 and 39 Mt. Vernon Place.

MRS. LETITIE TYLER SEMPLE.... PRINCIPAL.

THIS School will open as usual, on the 18th of September, 1871, and close June 25th, 1872. Number limited to 40. The summer session begins the 17th of April, every year, and pupils may be entered, either for the half session, closing 1st September, or for full scholastic session, closing first week in February.

For particulars apply to the Principal.
july12—deod2m

THE MISSES LANE

WILL OPEN A

Boarding School for Young Ladies,
IN NEW YORK CITY, ON
Wednesday, September 20th, 1871.

For reference or circular apply to Dr. J. F. Bozeman, Atlanta, Ga. july15—d3m

V. M. I.

Virginia Military Institute,

LEXINGTON, VIRGINIA.

THIS INSTITUTION which has been in successful operation for thirty-two years, and has supplied the South with some of its best Civil Engineers and practical business men, opens again on the 5th September. The number of Cadets being limited—350—and the Institution being kept full, early application must be made to secure admission.

Address the undersigned.
sep3—d4t FRANCIS H. SMITH, Supt.

TROY FEMALE SEMINARY.

THIS INSTITUTION offers the accumulated advantages of over 50 years of successful operation. Every facility is provided for a thorough course of useful and ornamental education, under the direction of a corps of more than 20 professors and teachers.

For circulars, apply to JOHN H. WILLARD,
aug13—d1m Troy, N. Y.

Educational.

FREEHOLD INSTITUTE,

Freehold .... New Jersey,

A Boarding School for Boys.

For Catalogues, apply to the Principal.
sep5—d1m Rev. A. G. CHAMBERS.

University High School,

Atlanta, Ga.

THE Exercises of this School will be resumed in the basement of the Oglethorpe University Building, corner of Washington and Mitchell streets, on MONDAY, the 11th, of September, 1871.

PROF. J A. RICHARDSON, A. M.,
Late of the Atlanta High School, Principal.

This Term will be divided into two Quarters—the first ending on 20th November next, and second ending 25th February, 1872.

Terms per Quarter—One-half before matriculation, and the remaining half at the end of the Quarter.

Primary	$12 50
Classical	15 00
Incidental fee per quarter, in advance	

No student received for less time than one quarter. No deduction will be made except in cases of protracted sickness, or when a withdrawal is absolutely necessary. aug29-dtf

University of Nashville,

DEPARTMENT OF

MEDICINE AND SURGERY.

FACULTY OF MEDICINE.

William K. Bowling, M. D., Theory and Practice of Medicine.
Charles K. Winston, M. D., Obstetrics.
J. Berrien Lindsley, M. D., Chemistry.
Paul F. Eve, M. D., Operative and Clinical Surgery.
William T. Briggs, M. D., Principal and Practice of Surgery.
Thomas L. Maddin, M. D., Institutes of Medicine.
William L. Nichol, M. D., Materia Medica.
Thomas B. Buchanan, M. D., Anatomy.
Van S. Lindsley, M. M., Practical Anatomy.

The next regular Course of Instruction will begin on Monday, the 3d of October, 1871, and end on the first day of March, 1872. The Anatomical Room will be open the 18th of September.

FEES.—For Tickets to the entire course, $50 00; Matriculating Fee, $5 00; Practical Anatomy, $10 00; Graduating Fee, $30 00.

Board from $4 to $5 a week. Write, for information, to T. B. BUCHANAN, M. D.,
aug29-d2w Sec'y of the Faculty.

REV. B. A. BONNHEIM'S

English and German School,

WILL be re-opened on the FIRST MONDAY IN SEPTEMBER, (4th,) in which the usual branches of an English education are taught, and in which, also, special attention is paid to the German Language.

Price of Tuition is $5, $4 and $3, in advance, per month, according to the branches taught in the respective classes.

Rev. B. A. Bonnheim will be assisted in the English Department by Mrs. L. C. Scudder, the daughter of Rev. H. Bokum, in whose school her success as instructress in the English branches has been well established. aug24—dtf

ORPHANS' FREE SCHOOL.

FOUNDED and maintained by the Georgia State Lottery, will commence its Sixth Session

Monday, the 4th of September,

inst. School Building, corner of Forsyth and Walton Streets. Tuition, books, stationary, etc., free.

MRS. A. P. HILL, PRINCIPAL.
MRS. H. M. COLQUITT, }
MRS. J. C BUTLER, } ASSISTANTS.
MISS A. HOYLE. }
sept2-d1w

HOGANSVILLE INSTITUTE,

(MALE AND FEMALE.)

THE FALL TERM of this Institution will open on the 14th of August, and continue four Scholastic months.

Board and Tuition not to be Paid till the Close of the Term.

BOARD, PER MONTH	$12 50.
Tuition, per Term, from	$16 to $95.

Music upon any instrument (10 lessons per month) $30 per term.

For circular, address GEO. C. LOONEY,
Hogansville,
july18—d2m Georgia.

NORWOOD HIGH SCHOOL, VIRGINIA.

Session 1871-72.

WILLIAM D. CABELL, (University of Virginia) Principal.
F. Key Meade, (University of Virginia) Instructor in Ancient Languages.
Henry A. Strode, (Math Medalish, University of Virginia, Session 1867-68) Instructor in Mathematics.
Robert L. Harrison, M. A., (University of Virginia) Instructor in Modern Languages, English, etc.
———, Assistant Instructor in Languages and English.
William L. Akers, Instructor in Book-keeping.

THIS SCHOOL will open September 20, 1871, and close June 20, 1872.

Students desiring information relative to this School, or proposing to enter, will make application at once to

WILLIAM D. CABELL, Principal,
Norwood P. O., Va.

UNIVERSITY OF VIRGINIA, May 2, 1870.

We take pleasure in recommending "Norwood School" to the confidence of the public. The Principal, Mr. William D. Cabell, is a gentleman of energy, of great moral worth, and of ripe scholarship. Under his judicious management the School, as one of Thorough Training for Boys, has achieved an unwonted but well merited success. Mr. Cabell is assisted by a Corps of Instructors, most of whom are Alumni of this University. They are gentlemen of high character, of thorough scolarship and earnestly devoted to the work of teaching.

Having had the opportunity of testing the character of instruction given at Norwood School, we do not hesitate to recommend it as a High School of the first-rank.

S. Maupin, William E Peters,
J. L. Cabell, Geo. Fred'k Holmes,
John B. Minor, B. L. Gildersleeve,
F. H. Smith, M. Schele De Vere,
Chas. S. Venable, J. S. Davis.
july20-d2m.

Wesleyan Female College,

MACON, GA.

THE THIRTY-FOURTH ANNUAL SESSION of this Institution will open on Monday, October, 2d, 1871, with the following

FACULTY:

Rev JOHN M. BONNELL, D. D., President and Professor of Mental and Moral Science and Rhetoric.
Rev. COSBY W. SMITH, A. M., Professor of Mathematics.
Rev. WILLIAM C. BASS, A. M., Professor of Natural Science.
C. SCHWARTZ, A. M., Professor of Modern Languages and Latin.
Mrs. ALICE CULLER COBB, Assistant in Literary Department.
Miss JULIA O. SIMS, Assistant in Literary Department.
Miss LAURA A. BARKSDALE, Assistant in Literary Department, and Teacher of Calisthenics.
ALBERT N. WHITNEY, Professor of Music.
Mrs JULIA H. WHITNEY, Assistant in Music.
Miss MARIA KING, Assistant in Music.
Miss JANE KENNEDY, Assistant in Music.
Mrs. E. T. CROWE, Teacher of Drawing and Painting, and Assistant in Music.

TERMS PER ANNUAL SESSION.

☞ *Payable Quarterly in Advance.* ☜

Tuition in the Regular Course	$80 00
Tuition in the Preparatory Class	67 50
Incidental fee (paid by Day-scholars)	3 00
Board (including Fuel, Washing and Lights)	225 00
Latin, Gymnastics and Class-singing without additional charge.	

OPTIONAL BRANCHES.

French	$30 00
German or Spanish variable according to number in class.	
Instruction on Piano or Melodeon in the highest class	75 00
Instruction in the less advanced class	60 00
Use of Piano, one hour per day	12 00
Use of Melodeon, one hour per day	6 00
Special Vocal Lessons (single)	75 00
Special Vocal Lessons in sets, from ....$35 to	40 00
Instruction in Drawing	45 00
Instruction in Oil Painting	60 00

New pupils charged from the beginning of the month in which they enter, except for board when the entrance is after the middle of the month.

For further information address the President.

C. W. SMITH,
aug11—d till oct1 Secretary Faculty.

Educational.

Oglethorpe University.

I HEREBY GIVE NOTICE to all persons expecting to patronize the University Preparatory School, that it will be opened at the usual time for the reception of pupils.

By order of the Board of Trustees.

J. S. WILSON, President
aug8—dtf Board of Trustees.

NORTH GEORGIA FEMALE COLLEGE,

IVY STREET,

Between Wheat and Line Streets, Atlanta, Ga.

FALL SESSION opens September 4th, 1871. For Circulars, containing full particulars, apply at the Book and Music Stores, or at the College.

A. J. & ANNIE D. HAILE,
july23—d2m Principals.

Martha Washington College,

ABINGDON, VIRGINIA.

R. W. JONES, M. A., (University of Virginia,) President and Prof. of Latin and Higher Mathematics.

Rev. W. G. E. CUNNYNGHAM, D. D., Treasurer and Prof. Moral Philosophy, etc., with NINE other Professors and Assistants.

THE next session will begin 4th October, 1871. The course of instruction is as complete as that of any institution in this country for Young Ladies. Instrumental (Piano and Organ) and Vocal Music taught by the most accomplished Masters; Drawing and Painting by a skillful Artist.

Buildings commodious, elegant and well furnished; grounds incomparably beautiful—situated on the Virginia and Tennessee Railroad, 15 miles east of Bristol, amid the mountains and mineral waters of Southwestern Virginia. This College possesses advantages of heathfulness, grandeur of scenery and accessibility rarely equalled and never surpassed.

Board and Tuition in English and Latin, for Twenty Weeks, from $95 to $105, in advance.

For Catalogue, or other information, apply to the President, or Rev. Dr. Cunnyngham.
aug16—d2m

UNIVERSITY OF

Nashville, Tennessee.

FOUNDED—1785.

THE Collegiate Department and Academy open FOURTH SEPTEMBER, 1871, under Military Discipline. Tuition—Board, washing, etc., from $150 to $175 per term.

The LAW department opens FOURTH OCTOBER, 1872. Tuition—$40 per term. Apply to

GEN. E. KIRBY SMITH,
aug27-d2w&w1t Chancellor.

Atlanta Male and Female HIGH SCHOOL,

JUNCTION WHITEHALL AND FORSYTH STS.

THIS SCHOOL, located in one of the most pleasant, accessible, and desirable portions of the city, will be re-opened on MONDAY, 28th of August, 1871.

A large and well ventilated Hall will be added to the present building, for the Female department, making the two departments entirely separate and distinct.

A beautiful and inviting common, so necessary and well adapted to the beautiful and athletic exercises of the student, is directly in front of the school rooms.

The Male and Female Departments will be divided into three classes: Primary, Intermediate and Classical.

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RAILROAD SCHEDULE.

ARRIVAL AND DEPARTURE OF TRAINS.

Georgia Railroad.

DAY PASSENGER TRAIN.

Leaves Augusta	8.00 o'clock,	A. M
Leaves Atlanta	7.10 "	A. M
Arrives at Atlanta	6.20 "	P. M
Arrives at Augusta	5.40 "	

NIGHT PASSENGER TRAIN.

Leaves Augusta	8.15 "	P. M
Leaves Atlanta	5.15 "	P. M
Arrives at Atlanta	6.40 "	A. M
Arrives at Augusta	3.47 "	A. M

Accommodation Train.

Leaves Atlanta	6 45 P. M
Leaves Stone Mountain	6 30 A. M
Arrives Atlanta	8 05 A. M
Arrives Stone Mountain	8 15 P. M

Macon and Western Railroad.

DAY PASSENGER—DAILY, SUNDAYS EXCEPTED.

Leaves Atlanta	7:55 A M
Leaves Macon	7:56 A M
Arrives at Atlanta	2:00 P M
Arrives at Macon	1:40 P M

NIGHT PASSENGER—DAILY.

Leaves Atlanta	9:55 P M
Leaves Macon	5:05 P M
Arrives at Atlanta	10:25 P M
Arrives at Macon	8:33 P M

Western and Atlantic Railroad.

NIGHT PASSENGER TRAIN—OUTWARD.

Leaves Atlanta	10:30 P. M
Arrives at Chattanooga	6:16 A. M

DAY PASSENGER TRAIN—OUTWARD.

Leaves Atlanta	8:15 A. M
Arrives at Chattanooga	4:25 P. M

FAST LINE TO NEW YORK—OUTWARD.

Leaves Atlanta	2:45 P. M
Arrives at Dalton	7:58 P. M

NIGHT PASSENGER TRAIN—INWARD.

Leaves Chattanooga	5:30 P. M
Arrives at Atlanta	1:42 A. M

DAY PASSENGER TRAIN—INWARD.

Leaves Chattanooga	5:30 A. M
Arrives at Atlanta	2:30 P. M

ACCOMMODATION TRAIN—INWARD.

Leaves Dalton	2:25 A. M
Arrives at Atlanta	9:10 A. M

For Savannah via Macon and Western and Macon and Brunswick Railroad.

Leave Atlanta at	2:45 P. M.
Connect with the Macon and Brunswick Railroad at Macon at	8 30 P. M.
Arrive at Savannah	8:25 A. M.

Schedule of Rome Railroad.

DAY TRAIN.

Leave Rome	9:00 A. M.
Arrive at Kingston	10:20 A. M.
Leave Kingston	11:48 A. M.
Arrive at Rome	1:18 P. M.

NIGHT TRAIN.

Leave Rome	11:30 P. M.
Arrive at Kingston	12:00 A. M.
Leave Kingston	1:18 A. M.
Arrive at Rome	2:25 A. M.

St. Louis, Memphis, Nashville and Chattanooga Railroad Line.

Leaves Atlanta	8.15 o'clock,	A. M
Arrives at Chattanooga	5.30 "	A. M
Arrives at Nashville	1.45 "	A. M
Arrives at McKenzie	9.20 "	A. M
Arrives at Memphis	3.45 "	P. M
Arrives at Union City	11.30 "	A. M
Arrives at Columbus	12.48 "	P. M
Arrives at St. Louis	11.15 "	P. M
Leaves Atlanta	10.15 "	P. M
Arrives at Chattanooga	5.45 "	
Arrives at Nashville	11.50 "	A. M
Arrives at McKinzie		
Arrives at Memphis	4.30 "	A. M
Arrives at Union City	2.10 "	P. M
Arrives at Columbus	10.40 "	P. M
Arrives at St. Louis	7.25 "	A. M

No change of cars from Chattanooga to Memphis. But one change from Chattanooga to St. Louis.

Savannah, Griffin and North Alabama Railroad.

Leaves Griffin	1 00 P M
Arrives at Newnan	3 45 P M
Leaves Newnan	7 00 A M
Arrives at Griffin	9 47 A M

Connects at Griffin with Macon and Western Railroad.

Atlanta and West Point Railroad.

DAY PASSENGER TRAIN—(Outward.)

Leaves Atlanta	7 10 o'clock, A. M
Arrives at West-Point	11 00 "

DAY PASSENGER TRAIN—(Inward.)

Leaves West-Point	12 45 o'clock, P. M
Arrives at Atlanta	5 15 "

NIGHT FREIGHT AND PASSENGER.

Leaves Atlanta	7 00 o'clock, P M
Arrives at West-Point	10 45 "
Leaves West-Point	3 00 o'clock, A M
Arrives at Atlanta	10 07 "

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Arrive at Atlanta	10 00 A. M
Leave Atlanta	3 00 P. M
Arrive at Gainesville	6 45 P. M

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Morning Edition.

ATLANTA:
WEDNESDAY, SEPTEMBER 6, 1871.

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Crowded Out.

Decisions of Supreme Court crowd out much matter.

Railroad Cases.

These cases are chiefly those of parties who perpetrated frauds upon the Auditing Committee. This committee was instrumental in having the arrests made, and have amply secured the State for the amounts fraudulently obtained. But these cases are minor items in comparison with the vaster amounts of stealage which have not yet been traced. The fear that this cannot be done until the meeting of the Legislature, when a thorough investigation under its authority will, we believe, upturn the chief manipulators of the funds which have been fraudulently abstracted and stolen from the earnings of the State Road, and the pockets of the people.

Governor Bullock.

Various newspapers through the State are exceedingly anxious to know what has carried the Governor to California. There is no special business requiring his presence in Georgia outside of the State Road cases, a few persons wanting pardons, etc., and it is natural to presume that he has gone to California to regulate the election which comes off on the 7th. Or else, as our "devil" suggests, the cause is disclosed in the following, from the Chicago Times: The preacher who wishes to reach the terrors of sinners by a thorough comprehension of hell should go over the rail from Chicago to San Francisco." Some thoughtful divine has induced Bullock to make the trip to give him an idea of the *reality* of his final bourne, unless he repents him and confesses all he knows about the outrages perpetrated upon Georgia under his administration.

A Photograph.

THE CONSTITUTION is in receipt of a photograph grouped under a shelving rock somewhere in the fastnesses of Lookout Mountain. In the foreground, peering earnestly forward, as if expecting every moment to see the (bug)bear of the "new departure," and somewhat crouching as if ready to leap up and take to his heels, is a figure of a picturesque and "newsy" appearance. A little to the rear, in standing posture, leaning against a rock in a sort of demoralized abandon, is a slender, youthful figure, with a wretched smile upon his face seemingly anticipatory of some early event that would make him in his happiness love Rome "not less" but some—"you know"—causing a certain *bashfulness* of expression. In the elevated background, sitting upright, with back firmly pressed to a supporting mass, is a form with a countenance of such innocence and heavenly meekness, that certainly its possessor never would ride "unbeknowns to a conductor upon the bumper under the platform of a car." or allow himself to be used for a "head-light" toget a ride on the cow-catcher. The fourth and last figure is that of a fierce-looking personage, who would not be taken for "Robert Le Diable," only because of the proximity of the two tender youths of lamb-like visage and languishing smile. For the same reason we are constrained to discard the idea that they are a band of highwaymen, in their mountain retreat.

We would be glad to have our subscribers in the vicinity of Lookout Mountain give us any information touching these personages. We desire to know who and what they are, and what "Banner" they float; for the *news* may be all important to protect our *commercial* interests. And now that we think of it, perhaps some information may be given the public by the Savannah News, which recently sent journeying into that region a couple of "pilgrims" to find a shrine at which penitent sinners might secure forgiveness for sins against Atlanta and "Ponce De Leon," it youth and beauty giving spring, against which they were incensed, because its virtues were utterly powerless to reach such dreadful cases as themselves.

DECISIONS
—OF THE—
SUPREME COURT OF GEORGIA.

Delivered at Atlanta, Tuesday, Sept. 5, 1871.

[REPORTED EXCLUSIVELY FOR THE ATLANTA CONSTITUTION, BY N. J. HAMMOND, S. C. REPORTER.]

Michael Gromley, Ordinary, vs. Joseph M. Taylor. *Mandamus*, from Randolph.

McCAY, J.

1. When the Constitution creates an office to be filled by appointment of the Governor, by the advice, and with the consent of the Senate, but legislation is necessary to carry the Constitution into effect, and an act for that purpose is passed, which, by its express terms, does not take effect until a day subsequent to the adjournment of the Senate, the office is vacant, and may be filled by the Governor, until it is filled, permanently, as provided by the Constitution. It is immaterial whether the office has "become vacant," it is sufficient that a vacancy exists, since in the former case the Governor may fill it, under the express words of the Constitution, and in the latter case, he may fill it under section 66 of the Code, which authorizes him to appoint all officers and fill all vacancies, when no other mode is provided by the Constitution and laws.

2. It is the duty of courts in passing on the constitutionality of laws not to pronounce against them except, in a clear case, and to make every intendment possible in favor of their constitutionality.

3. Whether it is in the power of the Courts to hold a law unconstitutional, on the ground that the legislature, passing it, is not in session, according to the mode prescribed by the Constitution, and to inspect its journals to determine the fact.—Quere?

4. When important, and almost revolutionary results must follow from declaring a session of the legislature illegal, the Courts are bound to require a most palpable and direct violation of the Constitution, before they interfere.

5. The legislature having, by a vote of each house, declared that the session of 1870, was not a session, after the 2d session under the Constitution of 1868, it is very doubtful whether this decision is not binding upon the courts, as the judgment of a tribunal authorized by the Constitution to decide it.

6. Art. III, sec. 1, par. 3 of the Constitution of 1868, which provides that "the first meeting of the General Assembly shall be within 90 days after the adjournment of this Convention, after which it shall meet annually on the second Wednesday in January, or on such other day as the legislature may direct," * * * * * * and that "no session of the General Assembly, after the second, under this Constitution, shall continue longer that 40 days, unless prolonged by a vote of two-thirds of each branch thereof," may, in a very just and proper sense, be construed to mean by the words, "second session under this Constitution," second session as provided for, and specially required by this Constitution, so as to exclude from the "two sessions" called extra, and irregular sessions, which, though legal, are not specially mentioned and required by the Constitution.

7. The session of the General Assembly, which met on the — of July, 1868, more than ninety days after the adjournment of the Convention, under the order of General Meade, and more than 17 days before the Constitution of 1868, as decided by this Court in ——— went into operation, though a legal session, may be called extra, or irregular session, and not one of the sessions meant by the Constitution in art. III, of the Constitution.

8. The session of the General Assembly of 1870, may, therefore, be fairly said not to have been a session after the second session, within the meaning of the clause which prescribes that no session after the second under this Constitution shall continue longer than forty days, unless prolonged, etc., etc.

The Act of October 28th, 1870, denoting the ordinaries of the several counties to assess a tax to pay the salaries of the district judges and attorneys, is sufficiently definite, since, from the census of 1870, the amount due from each county may be ascertained by simple calculation, and the tax books in the Comptroller General's office will furnish the property to be taxed.

Judgment affirmed.

The constitution, article 5, section 4, declares that until the Legislature otherwise provides, there shall be a District Attorney and a District Judge in each Senatorial district. It defines their duties, fixes the jurisdiction of the Judges, and prescribes how both of these officers shall be appointed, and the qualifications of each of them. The want of certain necessary details as to the *mode* of proceeding, and some provisions for raising the salaries, made it proper that no such officers should be actually appointed until legislative action was taken in the premises. This was not done until the act of the 28th of October, 1870.

This act as well as the Constitution, provided that these officers should be appointed by the Governor, by the advice and with the consent of the Senate. The Acts however in express terms provided that it should not go into effect until 1st January, 1871. No nominations were made and no action taken during the session of the Legislature, that adjourned ———, 1870.

Soon after the 1st of January, 1871, the Governor, considering these offices vacant, appointed incumbents to hold until the next meeting of the Legislature. Mr. Taylor, the defendant in error, was one of those appointees.

Was this appointment, not having the consent of the Senate, legal?

Without doubt, the provision of the Constitution and of the Act of October 28, 1871, for *filling* those *offices*, for the full term, does covers the case of vacancies.

The Constitution in express terms provides "That when *any* office becomes vacant, the Governor shall have power to fill it, unless otherwise provided by law." Article 4, section 2, paragraph 4.

This applies *to all* officers, of every kind, no matter by whom the office is to be permanently filled. The incumbent is to hold until a successor is appointed according to the regular method for filling the office. Art. 4, sec. 2, par. 4.

If elected by the people, or by the Legislature, or appointed by the advice of the Senate, no matter how, it is made the duty of the Governor to fill the vacancy, until this is filled, as provided, either by the Constitution or by the law. Nor does it matter *when* the vacancy happens. Whenever, or however it happens, it is the duty of the Governor to fill it, until it is filled in the mode, and by the power provided, for permanently filling it, unless the Constitution or the law points out some other mode.

As to officers elected, by the people, the *law* has generally pointed out a mode for filling vacancies. Some times it is by an immediate election; sometimes by appointment of the ordinary; sometimes by appointment of the Judge of the Superior Court; but as to all officers elected by the Legislature, or sometimes by the appointment of the Governor, appointed by the Governor with the advice of the Senate, no other mode is pointed out by either the Constitution or the law. So that as to these offices, it is the duty of the Governor to fill every vacancy, not as is often said, until a successor *can be* appointed agreeably to the Constitution, but until one *is* appointed agreeably thereto.

Even if the Senate be in session, when the vacancy happens, it may be that the Governor fails in his duty to nominate, or he and the Senate cannot agree, or if the office be one filled by legislative election they may fail to elect.

The Constitution does not intend that there shall fail to be an incumbent, since it provides that *in all cases* where no other provision is made, if any office become vacant, the Governor shall fill the vacancy until the office *is* filled in the mode provided for filling it permanently.

Our Constitution is very different from the Constitution of the United States, that only gives the President power to fill vacancies which happen *during the recess of the Senate*. Our Constitution has no such limitation. It simply provides that, "when any office becomes vacant, by death, resignation or otherwise" the Governor shall have power to fill it until it is filled in the mode provided by law.

But it is argued that the words here used can not apply to this case, the words are "become vacant." It is said that this implies that the office has been filled and has "become vacant."

It is very clear that in the case under discussion there was, *in fact*, a vacancy *existing*. There was an office, the Constitution provides for that. All the detail necessary for the full carrying into effect of the Constitution were provided by the Act of 28th of October, 1870. Nothing was wanting but men to fill the offices. If this was not a vacancy, the word is wrongly defined by the law books and Lexicographers. Webster defines it' "The state of being destitute of an incumbent." Bawveir—"A place which is empty."

It does seem to me, that the distinction between, "is vacant," and "become vacant," is a distinction without a difference.

Mr. Wirt, Mr. Legarr, Mr. Taney in their official opinions, as Attorney Generals, have all concurred in holding, that if a vacancy "exists" during a recess of the Senate, it may in a very fair sense, be said, to "happen" then—though in fact, it occurred before the recess.

This has been the uniform practice and holding of the Executive Department of the United States.

Mr. Wirt, in his opinion, insists that the words may happen during the recess are to be understood, as "may happen to exist, during the recess." Opinions Attorney General, volume 1: page 631.

Mr. Roger B. Taney finely agrees with this construction. Opinions Attorney General, volume 2? page 525. So, too, Mr. Legarr, id. volume 3: page 673.

Yet, suppose we admit, that an office never yet filled, cannot be said "to become vacant." What then? The most that can be said is, that though "the office is vacant," it has not "become vacant," and the *Constitution* has not provided in terms how it shall be filled.

The Constitution provides, for filling offices, permanently, and for filling offices which have "become vacant" Vacancies which are not cases where the office has "become" vacant are not *provided* for by the Constitution.

Are such offices to remain vacant until the Senate meets, and the Legislature elect, or the people choose? I think not. The law—the code (Sec. 66,) provides that the Governor shall fill *all* vacancies unless otherwise prescribed by the Constitution and the laws.

I conclude, therefore, that the most reasonable construction of the Constitution clothes the Governor with power to fill this vacancy. And that even if this be an office which, though vacant, did not "become" vacant, that the power is still in the Governor, since, if it be a *casus omissus* in the Constitution, it is provided for by section 66 of the Code, which authorizes the Governor to fill all vacancies not otherwise provided for. It may not be amiss to say that this is not a new question in Georgia. The Pataula Circuit was created by the Legislature, 8th February, 1856. By the laws, as they then stood, the election for Judge was by the people, and did not take place until April, 1857. Governor H. V. Johnson appointed Judge Kiddo to fill the *vacancy* until the election.

At the same time and under the same circumstances, the Governor appointed a Solicitor General for the Circuit. So too, when the Talapoosa Circuit was created, February 29, 1856. The election of Judge and Solicitor General was provided for to be held in October, 1859, and the Governor under *his power to fill vacancies*, appointed Judge Hammond Judge, and Mr. H. Fielder Solicitor.

So too when the Brunswick Circuit was created. The Constitution provided that the Judge and Solicitor should be elected by the people. The Act creating the Circuit authorized the Governor to appoint a Judge until the election.

The Governor appointed the Judge accordingly, but he also at the same time, under his personal power *to fill vacancies*, appointed a Solicitor General.

In 1838, the Legislature created the office of Commissioners of Banking, providing that they should be elected by joint ballot by the Legislature. Mr. Iverson L. Harris was elected one of the Commissioners, but declined to serve, and no other election was had. After the adjournment, Gov. Gilmer appointed Mr. White to fill the *vacancy*. The Legislature, at its session of ——— *created* the office of Commissioners to revise the code, providing these commissioners to be elected by the Legislature. Before the adjournment, Mr. I. L. Harris, and Mr. ——— were elected, Mr. Harris declined to serve, and Governor Brown, after the adjournment appointed Mr. T. R. R. Cobb, and R. H. Clark. There are doubtless other instances, but these are sufficient to show what has been understood to be the meaning of the word vacancy, to-wit: an office without an officer, and that in such cases, it is without the powers of the Executive to fill it. These cases prove then, that to make such a vacancy it is not necessary that the office should have been once filled in the regular mode before such a vacancy as the Governor can fill may occur.

For these reasons I am satisfied that under the Constitution and laws of this State it was within the power of the Governor to make the appointment of Mr. Taylor, and having done so, his right to receive his salary under the law is undoubted.

2. It is contended, by the plaintiff in error, that admitting the appointment to be properly made under the Constitution and laws, Mr. Taylor is not entitled to his salary, because the act of the General Assembly, to carry into effect the Constitutional provisions as to the point was passed, as appears by the journals and the signature of the Governor on the 28th of October, 1870,—that this was more than forty days after the commencement of the session, and that as the session of 1870 was the third session under the Constitution of 1868, any act passed by the Legislature more than forty days after the commencement of the session, is unconstitutional and null, void, since it does not appear by the journals of the two houses that any two-third vote was had, prolonging the session.

It is true in fact that under orders of General Meade, the then Military commander of Georgia, under the Act of Congress of March 2, 1867, there was a session of the Legislature commencing on the 21st of July, 1868.

It is also true that there was a session, as the Constitution provides, commencing on the 2d Wednesday in January, 1869.

It is difficult to say when the session of 1870 commenced. The body met on the 10th of January, 1870, under a card of the Governor, two days before the 2d Wednesday, as required by the Constitution, to reorganize as a new body. It proceeded and its organization was reported complete 30th of January, 1870. On the 14th of of February it adopted the amendments to the Constitution of the United States, as *required* by act of Congress of December, 1869.

It then took a recess until the 14th February, met again and elected senators, passed various resolutions and took a recess until 18th April.

It had at this recess been in session 39 days. It met again the 11th of April, continued in session doing nothing until 4th of May when it took a recess until the 6th of July.

It then met but did nothing until the 18th of July when it proceeded to business formally, Congress having at length, declared the State to have fully complied with the reconstruction acts.

If the session of 1870, commenced by law on the 2d Wednesday in January (the 12th of that month) 40 days expired on the 21st of February 1870.

If only the days actually consumed (not counting recesses) are to be considered the forty days expired 19th or 20th of April.

If the session is to be considered not to have commenced until the 18th of July, when it proceeded regularly to business, then the 40 days expired on the 28th of August, 1870.

In any event not only the act referred to but almost all of the other acts passed at the session of 1870, were passed after forty days had expired.

After the 28th of August, the Legislature passed many acts of the most important character—acts which have been solemnly voted upon by the people and by the courts, and if these acts are void, consequences almost revolutionary in their character must result.

It may be that this Court must do its duty no matter what may be the consequences But it is also true that it is the solemn duty, not only of this but of every court, when called upon to determine any question, and especially when called upon to declare an act of the General Assembly void, to look to the consequences, and if they be of almost a revolutionary character, to be very clearly satisfied before producing such startling and revolutionary results. After 40 days had expired, the session of 1870 changed the time for the meeting of the Superior Courts in twenty-five counties of the State.

It changed the time for the meeting of the Supreme Court from the first Monday in June and December to the second Monday in January and the first Monday in July.

It directed a revision of the jury boxes all over the State.

It located three new judicial circuits, and created four or five new counties.

It authorized bills of exceptions to be brought to the Supreme Court in the granting or refusal to grant injunctions, and changed the mode of proceeding in the Supreme Court, in many particulars.

It altered the day fixed by the Constitution for electing members of Congress, members of the Legislature, and family officers.

It altered the day fixed by the Constitution for the meeting of the General Assembly.

These acts have all been treated by the Courts and by the people as of force for nearly a year.

The superior Courts have met under these acts. The jury boxes have been revised under them.

The new Circuits and the new Counties have gone into practical effect, and for nearly a year have been proceeding as legal bodies under those Acts.

This court has held one full session and is far advanced on another, in obedience to those Acts, and has, constantly, re-engaged, and acted upon the Acts of the session of 1870, after the forty days, as legal acts.

The people in obedience to one of these Acts, declared the election day, fixed by the Constitution, to wit: The next Tuesday after the first Monday in November, 1870, to pass, and no election was held to fill these important offices until the 20th of December, 1870

So, too, the day fixed by the Constitution, to wit: the second Wednesday in January, for the meeting of the Legislature in 1871, has, in obedience to one of these acts, been attained by the members elect to pass, with the understanding that the proper day for the meeting is in November, 1871, as provided by the session of 1870, by an act passed October 28, 1870, after forty days had expired.

If the law, under which Mr. Taylor was appointed, is void, because passed after the forty days, then the sessions of the superior Courts, changed by the said session, have been illegally held.

The last session of this Court was illegal This session is illegal, and in (holding an illegal session) are called upon to determine the session of the Legislature, when these acts were passed—illegal.

The clerks, sheriffs, tax collectors, and other county officers, were insoffice, and all illegally in office.

The jury boxes have been illegally revised.

The Legislature elect is illegally elected, and the old clerks, sheriffs, and county officers are still the legal officers.

Nay more; the old Legislature elected in 1868, is still the legal Legislature, since the Constitution in express terms, Article 3, section 1, paragrph 2, provides that the members of both Houses, though elected for two years, shall continue to hold until their successors are elected and qualified.

A conclusion so extraordinary and involving results so momentous a conclusion resulting in the illegality of the sessions of the Superior Courts and of this court, and in the illegality of the elections of all the clerks, sheriffs, county officers, members of the Legislature and members of Congress, and in the loss of any session of the Legislature for 1871, should only be the result of the clearest convictions, and be unaccompanied by any, even the most trifling, doubt of its correctness. Every intendment should be made that is at all compatible with sound reason or fair construction.

We have been at sea long enough. Even one day of an illegal government is an evil that it may take years to see the consequence of, but from a whole year of illegal courts, and a whole session of an illegal Legislature, who can calculate the evils that must result?

If it be possible to prevent this by any fair and just construction—if this court is not *driven* by the clear and incontestible rules prescribed for its action so to determine it is its solemn duty to the public and to the law to sustain and not to overturn the acts thus assailed.

For myself, I have great doubts as to the power of the courts under the Constitution, to pass upon the legality of a session of the Legislature.

We are bound, it is true, to declare the laws not in conformity to the Constitution void.

But there is a plain distinction between an act of the Legislature and a session of the Legislature.

It seems to me a very dangerous thing, and one not contemplated by the Constitution, for one of the branches of the government to sit in judgment upon *the legality* of another.

The Constitution expressly clothes each House with the power to judge of the qualifications of the members, and if they may do this as to each member, it would seem to follow that they may do it of the whole combined.

Is this court to step in to scan its daily proceedings, watch its journals, and set as a censor upon its doings? We are compelled to say where any separate act passed by it conforms to the Constitution, but whether the body itself is in session at the proper time, seems to me, to be left to the conscience and judgment of the body itself, and this, I think is the tenor of the authorities.

But I do not rest my judgment upon this view of the matter alone.

It is a fact, appears by the journals, that the Legislature, by a vote taken in each house, determined that the session of 1870, was not a session after the second under the Constitution.

The Senate declared that the session of 1870 was the first session. Senate journal, page ——

The House declared simply that it was not a session after the second. House journal, page ——

We have thus the solemn judgment of each of the General Assembly, that under the circumstances, no vote of two-thirds was necessary to authorize the session of 1870 to continue longer than forty days.

Was not this a matter proper for the judgment of the Legislature, and having been deliberately made, is not the judiciary bound by it?

Nor is it clear to my mind that this judgment was not right, and that the session of 1870, was one which required to be prolonged by a two-thirds vote, in order to continue in session longer than forty days.

The clause of the Constitution is as follows:

Article 3, section 1, paragraph 3, "'The *first* meeting of the General Assembly shall be *within* ninety days after the adjournment of this Convention, after which it shall meet annually on the second Monday in January or on such other day as the General Assembly shall prescribe." "No session of the General Assembly after the second, under this Constitution, shall continue longer than forty days, unless prolonged by a vote of two-thirds of each branch thereof."

The Convention adjourned on the 12th of March, 1868, ninety days after this would be the 10th of June, 1868. No session of the General Assembly was held until the 4th of July, 1868.

So that the first regular appointed session, under the Constitution, was not held at all.

The session which met July 4, 1868, was not provided for by the Constitution, but was *called* under the orders of the military commander, and met at his behest.

That session did not meet by notice of the Constitution. Indeed, this court decided in Foster vs. Daniels 39, Geo. 39, that the Constitution did not go into effect until the 21st of July, 1868, and that the County Court which the Constitution *in terms abolishes*, was a lawful court on the 20th of July, 1868, but unlawful on the 22d of the same month.

Can this be fairly said to be a session according to and by notice of the Constitution which met seventeen days before the Constitution became the law of the lands.

The truth is, that a state of things occurred for which the Constitution made no provision—a state of things not contemplated by the Convention.

It supposed Congress would immediately ratify the Constitution, and it expressly provided that the first session should be *within* ninety days after the adjournment. Congress did not ratify the Constitution within ninety days, and the first session, as provided for, may not be held at all.

As I have said the session of July, 1870, was a called session, not a regular one, according to the directions of the Constitution, and it met seventeen days before the Constitution had any existence, as a rule for the government of the day of meeting. Indeed, the Constitution as it now stands, did not exist at all until 21st of July, 1868. Since upon that day the Constitution was so altered, as to comply with the requirements of the act of Congress of June 1, 1868.

After that day the Constitution was of force and the General Assembly controlled by it. But it is very clear that the meeting of the session of 1868 was not only not provided for or pointed out by the Constitution, but the meeting was by notice of the order of the military commander who then exercised supreme power in the State.

I do not say that the session of 1870 was illegal, or that its laws and actions are not to be considered as passed under the Constitution, though that is a view taken by many. The idea I intend to convey is, that though a legal session, it was not a regular, but a *called session*, and was not one of the sessions which, by the Constitution might hold more than forty days without a two thirds vote of prolongation.

The language of the Constitution is peculiar. It first provides for a session within 90 days after the 12th of March, 1868, and this it calls the "first session." It then provides that after this the meetings shall be on the 1st Wednesday in January of each year, until otherwise provided by law. Then, in the same article, section, and paragraph, come the words now under discussion, to-wit: "No session of the General Assembly, after the second, shall continue longer," etc.

What is the obvious meaning of this, taking the whole paragraph together?

It can hardly be supposed that the Convention contemplated a meeting of the Legislature, which should not in its deliberations be controlled by and in this sense under the Constitution. *Something* must have been meant by the words "under this Constitution," other than this. In that sense the words are surplussage, since in no event then conceivable could it be imagined there would be a session of the Legislature, "not to be controlled by the Constitution." The reason for using this language is plain. The Constitution provided for a first session, to wit: within ninety days. It had provided for other regular sessions, to wit: on the second Wednesday in January in each year, or such other day as the General Assembly may prescribe. It then adds no session of the general assembly after the second, under this constitution, shall, etc.; that is, after the second as pointed out and created, and provided for by this Constitution." The object has to exclude from the two sessions contemplated, any, called, extra, or irregular session, and to declare that the two sessions meant, were two sessions, held at the times prescribed for by the Constitution.

Such is the natural grammatical construction of the words. The passage "under this Constitution" qualifies the word "session," and not the words "General Assembly," and mean "session" as provided for, fixed by this Constitution, and the object was, as we have said, to exclude from the two sessions, any called, extra, or other sessions, which, though lawful, were not nominated, and pointed out specifically in the Constitution.

Such a construction is, at any rate, a fair one, and even if it be doubtful, it is sufficiently fair and plain, the well established rules conducting the judiciary in their judgment of Constitutional questions to make it proper for us to adopt it.

It is the settled rule that in cases of doubt, the courts will always decline to declare a law unconstitutional. Respect for a co-ordinate branch of the Government, and in this case especially, the almost total resolution which the holding a whole session of the Legislature illegal would produce, not only justifies but imperatively demands a very clear case. We do not think this is such a case, on the contrary, the strength of the argument is in favor of the legality of the session after forty days.

3. We think the act of October 28, 1870, is sufficiently definite. It fixes the salaries according to the proper location of the district. That is easily ascertained. The Constitution recognizes the United States census as an official mode of ascertaining the population of a district, since it clearly contemplates that the representation of the counties in the Lower House, shall be based upon it. Constitution, 1868, art. —.

That census was taken in 1870, and can be easily procured.

The tax is by the act to be raised upon the taxable property of each county, proportionably. That can be officially ascertained at the office of the Comptroller General.

Under the rule that "that is certain which may be made certain," we think that sufficient data, upon which to ascertain and assess the statuary and the share due from each county.

LOCHRANE, C. J., concurring.

The question raised by the record in this case, is not merely the constitutionality of a legislative act, but the constitutional competency of the Legislature to pass any act.

The Constitution of 1868 provided that the first meeting of the General Assembly should be within 90 days after the adjournment of the convention framing the Constitution. The first Legislature did not meet at that time; it was called together under the reconstruction laws of Congress, and was qualified by a Judge of the United States Court with a Provisional Governor, and was itself a Provisional Legislature, its convocation, organization, and qualification was alien to the Constitution, neither under it nor within its provisions.

The last session was alike a called session invoked by act of Congress, under military supervision and qualification, with a Provisional Governor, and could not perforce the first act of the Legislature under the Constitution of 1868, to wit: pass upon the qualification of its own members, but a military commission performed this function.

The Legislature, in considering their status when in session in 1870, were not limited to the Constitution of 1868, but were properly to consider the acts and action of Congress, and when the Executive branch, by message of February 2, 1870, held that session to be the first under the Constitution, and the General Assembly held it, in one branch concurring with the Executive, and in the other that it was not the *third*, such decision upon a question of political government, growing out of the surrounding legislation of Congress, does not invoke judicial interference by the abstract application of mere constitutional limitations.

The Supreme Court is a court for the correction of legal errors, and questions arising out of the formation of the State government and its relation to the Federal Union, or questions determined by the Legislature as to whether its sessions convened by military authority, under a Provisional Governor were under the Constitution or under acts of Congress, are not properly such legal errors, if errors, as invoke the judicial interference of a co-ordinate branch of the government.

Under the changes of reconstruction, by amendatory and supplemental acts of Congress, Georgia presented so many political phases, and the fact that by such multiform legislation the intention of the original act under which the Constitution was framed, became lost in the maze of complications, and the act of 1867 was not carried out in its covenants, but new and unknown powers were called into requisition, courts cannot by any rule of constitutional law, measure the rights of the one or define the limitations of the other, and inasmuch as the political departments have solved the status of the State, and such decision violates no fundamental right, such decision should be respected by the other co-ordinate branch or State Judiciary, and for these reasons I concur in the judgment of the court.

The Constitution of this State declares "No session of the General Assembly, after the second under that constitution, shall continue longer than 40 days, unless prolonged by a vote of two-thirds of each branch thereof"—code section 5122.

Among the fundamental articles to the Constitution it is declared "Legislative acts in violation of this Constitution, or the Constitution of the United States, are void, and the Judiciary shall so declare them."—code section 5107.

Section 5143 is in these words: "When the Constitution requires a vote of two-thirds of either or both Houses for the passing of an act or resolution the yeas and nays, on the passage thereof, shall be entered on the journal.

Under these Constitutional provisions, it is contended, 1st, That there were three sessions of the General Assembly since the adoption of the Constitution of 1868.

2d, That the last session was the third, and that it sat over 40 days, and the journal fails to show that its term was extended by a vote of two-thirds.

3d, That inasmuch as the *Act* was passed organizing the District Courts, after the term of 40 days, that it is *void* being in violation of the Constitution, and that it is the duty of this court so to declare it.

The question raised by the record is one of the highest and most vital importance, it is not, as will be seen by a glance, the constitutionality of an act of the Legislature we are called on to decide, but the constitutionality of the Legislature itself. Its constitutional competency to pass any act we are not invoked merely to construe the terms of legislation, but the power of the Legislature to legislate, and this turns upon the question whether the *last* session of that body was or was not the third, or one "after the second under the Constitution." In approaching the adjudication of this subject, I have grave doubts as to the right of the Judiciary to pass upon it, for reasons I will hereafter give. But with a view to meeting the question first upon its merits, and treating it as a judicial question, we may safely assert the proposition laid down, embraces other essential to its demonstration, under the Constitution, section 5122 of the Code, it is provided that the first meeting of the General Assembly shall be within 90 days after the adjournment of the Convention, after which it shall meet annually on the second Wednesday in January, or on such other day *as the General Assembly may prescribe*. Now to constitute a session under the Constitution it will not be doubted, but it must *meet* at the time prescribed by the Constitution, or at a time prescribed by the General Assembly. The first session did not so meet. History informs us from the Journals of the House, that it was called together on the —— day of —— by Military order, and the Governor was Provisional Governor only, and the very first Constitutional power of the General Assembly, to wit: Code, section 5,135, "each House shall be the judge of the election returns and qualification of its members," was denied to it. That session was called together, and when convened, its members were qualified by the Hon. John Erskine, Judge District Court, United States, in attempting to act under the Constitution as to the provision just quoted, to wit: Adjudging the qualification of its members, and turning out some on the ground of disqualification, its own existence was afterwards, by Congress, declared to be illegal, its action ignored, and its organization perfected by law of the United States, not by the Constitution of 1868. The decision of the question, involves the Constitutionality of the laws of Congress, for it is clear that if the Legislature was subordinate to a military dictation, it cannot be held to be under Constitutional limitation, for the last only existed by permission, it is useless to stand upon theories if facts are antagonistic to them. When Congress undertook to reconstruct the State, it began the work by a declaration that there was no civil government in Georgia, the language used, "Whereas no legal State Government, etc., now exist in the Rebel States, etc." The section 6, declares that until the people of the said Rebel States shall, by law, be admitted to representation to the Congress of the United States, the civil governments that exist therein, shall be deemed provisional only, and shall be in all respects, subject to the paramount authority of the United States any time to abolish, modify, control and supersede the same. Under this declaration, Governor Jenkins was superseded by military authority. Enforcing each acts, and a gentleman, in commission as a United States officer of the army, detailed Governor of the State. He entered upon the discharge of his duties, and the whole civil admistration went into his hands. The election of members of the Convention and their meeting at Atlanta, and framing this Constitution are facts well known, the enfranchisement of a new element, into the body politic, and then exerciise of suffrage, under Congressional legislation, facts that have become patent. The ensuing election ending with the declaration of the ratification of the Constitution, and the returns of members was followed by the *order* calling them together; when they met, in pursuance to the military chieftainship in Georgia, was it a meeting of the Legislature, under the Constitution? The Constitution did not provide for such measures, nor did it define the duty of a Provisional Governor, we may struggle in vain to find any recognition of the officers who called them together, or the definition of their duties. This court in 39 Georgia, 40:

HELD, that the new Constitution went into effect on the 21st of July, and yet the body met on the 4th. If the Constitution did not take effect until the 21st, as decided by this Court, Judge Warner delivering the opinion, * * * * then it did not meet under the Constitution, and, therefore, it must have met under something else, and if it met under something else, it was not the first meeting of the legislature under the Constitution. If it met under the Reconstruction Acts of Congress, called together by virtue of the power conferred by those Acts on Major General Meade, then it cannot be held it met under the Constitution, except the one embraced the other, and this can only be conceived by ignoring the source of the Constitution, to-wit: the people of Georgia and give its paternity to Congress.

Again, if the Constitution existed by permission of the military power, in other words, if the authorities then governing Georgia allowed its recognition, by permission, it was not the Constitution that was the rule, but the power behind it. Until it stood upon the will and sovereignty of the people of the State, and had an existence beyond the permission of any power—an existence inherent and unquestionable—it could not with proper regard for the use of language, be called the *Constitution* of Georgia in that broad political sense which comprehends the dignity and sovereignty of the people. It was a written parchment subject to a will incompatible with the constitutional will of a free people. And to talk of a General Assembly under a Constitution whose rights to do the first constitutional act of a constitutional Legislature, to-wit: pass upon the election returns and qualifications of its own members, is the assertion of a sentiment not the embodiment of a fact. What became of the Constitution and its guarantees when Congress returned to seats in its General Assembly some thirty members, and dispersed as many to their homes?

Thus we say, upon the merits of the question, we do not think, when the Legislature decided that the last session was not the third, and overruled the ruling of the Speaker upon that subject, that it was a question of violation of the Constitution; for, in the phases of reconstruction in Georgia, the status of the State was a difficult one to solve, and not without grave doubt in the premises. The incubation was long and the travail protracted, and the decision of the Legislature on the subject, one at least, sustained by the legal development of events.

But is it a question for the judiciary? No evil could be more offensively aggressive on the rights of the people, than the assumption by the judiciary of powers not delegated to their rightful jurisdiction. To lodge, in the opinions of a few, no matter how far removed from the passions of the hour, the rights of the people in the creation of government and decision of affairs of State, was not the intention of the people. Constitutions and laws precede the judiciary, and we decide questions arising out of them after they are made, not before. We restrain the Legislature within the limitation set to its powers, but we may not set up our opinions as to the decision of the Legislature upon questions not purely legal. The Constitution prescribes the manner of passing laws and the Legislature must pursue the mode prescribed. The Constitution divide powers, and the co-ordinate branches must stay within the prescribed limits; if this were not so the judiciary might declare an act void, and the Legislature might impeach the judiciary as happened in Illinois for the decision. The intention of the Constitution is to divide the powers, and let, each move independently in its orbit, all revolving around the Constitution in their appropriate sphere, like the planetary system round the sun, and each kept in place by the central power which moves the whole in harmony.

The jurisdiction of the Judiciary is to check and balance the Acts of the Legislature, to bring them within the Constitution, and hold the scales evenly in the administration of the laws enacted. But, in this case, we are called on to reverse the judgment of the Legislature on the condition growing out of the Reconstruction of the State. The Legislature decided at its last session not to be held in the House, and in the Senate, under the Constitution of 1868, and this judgment we are called upon to say was wrong.

Now, before going further, let us glance at the consequences of this decision. I am not unaware that, ordinarily, courts have nothing to do with questions of public policy, or the entailment of consequences. No man better understands the necessity of lifting the Judiciary above the popular prejudices or sympathies than myself. But, which, in the language of Lord Mansfield we have nothing to do with consequences, if certain rebellion were the result we cannot prevaricate with our consciences or our God. All we have to say is "*fiat justitiam coelum ruat.*" Yet to all judges consequences must needs influence consideration, we should pause upon the enunciation of legal judgments whose effect would be to upset society, and turn loose chaos over the land. If the law is clear we have nothing to do, but announce it, the consequences are not at our doors, and if this decision should declare void the last election for members of the General Assembly passed after the 40 days, and should bring to new life the *old*, whose commissions may extend until their successors are duly elected and qualified, and if this may postpone the election under the Constitution, still if such were to be the result, and the law is plain, it is our duty, and it would be my pleasure to discharge it. But to do so, I think consequences has sometimes to do with working a more thorough consideration of all the questions arising under the facts of the case, before announcing it to be the law, and by that examination I find involved in this decision of the court a reversal of the judgment of the Legislature as to the statue of the State under Reconstruction. They embrace a political, as well as legal question, and it would be an ostentatious parable of learning to go through the decisions of courts excluding political questions involving the principles of Government, from judicial jurisdiction. The very question, made by Gov. Jenkins, before the Supreme Court at Washington, on the constitutionality of the Reconstruction acts admonishes me of the fact that these matters were, while regarded by the profession of Georgia, plainly and palpably unconstitutional at the time, nevertheless *political* in that character and *refused* hearing at the Bar of that tribunal. Our court, by its organization, is a court of error, and the original jurisdiction *over* this question of what *session* under the Constitution the last was, must be somewhere else lodged. This case comes from the Superior Court, and that tribunal, by the Constitution, code section 5173, is vested with jurisdiction over all civil and criminal cases, etc. But nowhere can it be inferred by any legitimate time of argument, that the jurisdiction over an adjournment of the Legislature, has been conceded or granted to it. The power in all courts to declare unconstitutional acts void is not any longer a matter of judicial controversy. But the power to review an Act of the legislature involving a political question—not a law—but a judgment pronounced by itself, upon its own competency to make a law is not an apellate jurisdiction, nor is it an original jurisdiction. If it exists, it exists in the powers of the Court under the Constitution, and the power to declare Acts in violation of the Constitution void, and this is expressed to be in regard to legislative Acts.

In the case of Fostes, administrator, vs. Daniels, 39 Ga. 60, this Court held that the State of Georgia, on the 21st July, 1868, had fully complied with the terms of the Reconstruction Acts of Congress, and that the Constitution went into effect upon the 21st July, 1868. But although so decided by the Court as applicable to the then case before it, it is true that the reconstruction acts provided that "until the people of said rebellious States shall be by law admitted to representation in Congress, any civil government which may exist therein shall be deemed provisional only," and we need not go through the mass of military orders, interpreting and enforcing these acts, subsequent to the time stated; the purpose is not to go further, than show the doubt which still hung over the status of the State, for if the Congress of the United States by inactment recognized a different view of our condition, Congress had the power under the Constitution of the United States to control the question, and we need not deny the right without going further, and adjudging the *Acts themselves*, which is not essential or proper in this inquiry. If we establish the fact that subsequent to this decision, Congress again legislated upon the subject, and, in effect, declared the *General Assembly* illegally organized, and by Military Commission passed upon the qualifications of its members, then the practical operation of the Constitution of 1868, if existing on the 21st July, 1868, was amended by such subsequent Congressional interference, and the conditions imposed by Congress were permanent to the Constitution of 1868, and right or wrong, were of force and exacted obedience. When the Legislature deemed it necessary to go through the ceremony of adopting the Constitutional Amendments over again, it was a political question of which they were properly the judges. The question was not judicial, and is consistent with the will entertained by that body afterwards relating to the term of session, under the Constitution, they were then holding.

From these various sources I gather the intent of the Legislature to concur with the opinion of Congress upon the subject, with the orders of Generals Grant, and Rawlins, Pope, Meade and Terry, and their construction thereon, and the opinion of the Attorney General, and looking to this intent, with a view to arrive at a judicial conclusion, I hold that the subject of what *were* under the Constitution the Legislature then was holding, was one to be construed, not only by the Constitution of 1868, but by the Acts of Congress covering the Reconstruction measures, and inasmuch as this department of the government decided the question in the light of all the surrounding legislation and powers, I think such decision was political in its character, and that this court cannot justly interfere, by its judgment to set it aside, and declare all its *laws* to be on that ground *unconstitutional*.

In this connection, we may add, that the Executive of this State took the position in his message to the Legislature, February 2, 1870, that "the present legislative organization, if accepted and ratified by Congress, is the first and only legal organization de jure of this Legislature and of the State Government, established by the votes of the people under the reconstruction acts."

Thus two branches of the Government of this State—the Executive and Legislative—have treated this question as a political one, of which Congress was the judge, and Congress having, by its legislation, given the fullest concurrence in this view, I am indisposed to cater upon the subject as a judicial one, inasmuch that now these questions would involve others of significant importance in the adjudication. It will for existence not be doubted or denied, but the first Legislature was called together by virtue of a military order under the reconstruction acts. Equally true and undeniable that it was sworn, by an officer of the Federal Judiciary. Equally true that it convened as a Provisional Legislature under a Provisional Governor. Equally true that it did not meet at the time fixed by the Constitution. Equally true that its action was permissive by the military powers. Equally true that Congress treated it as a provisional body, amenable to Congressional dictation and interference. Equally true that the session under adjudication was convened by act of Congress. Equally true that the last session was inaugurated by military commission, setting forth the qualification of its members, and after a full review of the anomalous condition of the State government during the years elapsing since the war. I cannot hold that this question is one for the judiciary to interfere with, and I therefore concur in the judgment pronounced by the Court. As to the questions raised by the record, I have no doubt, holding the act constitutional as to the appointments made under the provision of the Code, and now only express my concurrence in the judgment pronounced.

Warner, J. dissented. He furnished no head note but gave his opinion in full.

Owing to the importance of this question we will publish the opinions of the court *seriatim* at large.

H. Fielder, for plaintiff in error.

J. H. Taylor, Hood & Kiddoo, for defendant.

WARNER, J., dissenting.

This was an application to the Judge of the Superior Court for a mandamus, by Joseph H. Taylor, Esq., as District Attorney for the 11th Senatorial District, against the Ordinary of Randolph county, calling on said Ordinary to show cause why he should not levy and collect a tax, for the payment of the salary of said District Attorney, from the year 1871, as required by the act of 1870, organizing the District Courts in this State. The Ordinary filed his answer and showed for cause why he should not levy and collect the tax on the citizens of Randolph county, that the said Joseph H. Taylor was not legally and constitutionally appointed District Attorney, and was not therefore entitled to have said tax levied and collected for the payment of his salary as such District Attorney. On the hearing of the case, the Judge held, and decided that the petitioner was legally and constitutionally in said office of District Attorney, and ordered the mandamus to be made absolute against the Ordinary for the levy and collection of the tax as prayed for. whereupon the Ordinary excepted. It appears from the record, that the petitioner was appointed District Attorney on the 18th day of January, 1871, during the recess of the Senate, and that said appointment had not been submitted to and confirmed by the Senate. On the argument before this court two questions have been made: First, That if the act of 1870, organizing the District Court, is a legal and valid act, yet the appointment was not a legal and valid appointment under the Constitution, and the provisions of that act. Second, That the act of 1870, was passed more than forty days after the commencement of the third session of the General Assembly and is, therefore, void under the provisions of the Constitution of 1868, that body having no lawful power or authority to enact laws after the expiration of forty days, unless, prolonged beyond that time by a vote of two thirds of each branch thereof, as provided by that Constitution. I propose first, to consider the legality of the appointment of the petitioner as District Attorney under the Constitution and the act of 1870, on the assumption that that act is a valid constitutional law.

By the 4th section of the 5th article of the Constitution of 1868, it is declared: "Until the General Assembly shall otherwise direct, there shall be a District Judge, and a District Attorney, for each Senatorial District in this State." The 9th section of the 5th article of the Constitution declares: That said District Judges and Attorneys, "shall be appointed by the Governor with the advice and consent of the Senate." The sections of the Constitution, it will be observed, only declare, that until the General Assembly shall otherwise direct, there shall be a District Judge and District Attorney for each Senatorial District in the State, and expressly declare how, and in what manner they shall be appointed, but there is no provision made in this section of the Constitution, for the creation and organization of a District Court, in which these officers could officiate, and perform their respective official duties. To create and organize the District Court in conformity with the provisions of the Constitution, was devolved on the General Assembly, and until that body created such a court, there was no "District Court," in which the District Judges and District Attorneys could peform their respective duties as such officers. The 1st section of the 5th articles of the Constitution declares, that "the judicial powers of this State, shall be vested in a Supreme Court, Superior Courts, Courts of Ordinary, Justices of the Peace, commissioned Notaries Public, and such other courts, as have been, or may be established by law." Thus it will be seen that there was no judicial power vested by the Constitution in the District Courts, until they were established by law, and the Judges and attorneys thereof could not have exercised any judicial functions, or performed any other acts appertaining thereto, in that court until it was so established. On the 28th of October, 1870, the General Assembly passed what purports to be an act to organize the District Court, and defines its jurisdiction. Up to this time there was no District Court created and organized in this State, either by the Constitution or the laws thereof, in which any District Judge or District Attorney had ever officiated as the officers of such a court, or performed any official duty therein as the officers of such a court. Assuming that the creation and organization of the District Court by the General Assembly on the 28th of October, 1870, was a legal and valid organization, how and in what manner did the General Assembly declare that court should be created and organized? The first section of that act declares that there shall be organized in each Senatorial District (except certain specified districts) a court, to be styled "The District Court," the Judge of which shall be known as "District Judge. For said court there shall be in each district a prosecuting officer, to be called "District Attorney." The 2d section of the act providing for the organization of the District Court expressly declares that the District Judge and Attorney shall be appointed by the Governor, with the advice and consent of the Senate, and hold their officers for a period of four years. Thus it will be seen that the original organization of the District Court under the provisions of the act, was to be done by the appointment of a District Judge and Attorney by the Governor, with the advice and consent of the Senate for a period of four years; and the General Assembly having expressly declared the manner in which the officers should be appointed, in order to effect an organization of the court, it is not reasonable to suppose that it was intended that the court should be organized by the appointment of the officers thereof, in a different manner than that prescribed in the act. To have appointed and commissioned District Judges and District Attorneys without the creation and organization of a District Court by law, in which those officers could have performed their appropriate functions, and duties as such officers, and without any compensation having been provided for their services, would have been a useless and unprofitable ceremony, not contemplated by the Constitution. But it is said that when the District Court was created and organizied by the act of 1870, the office of the District Judge of the District Court, and the office of District Attorney for that court, was vacant, and that the Governor had the power under the 2d section of the 4th article of the Constitution and the 66th section of the Code, to fill such vacancy without the advice and consent of the Senate. That section of the Constitution declares that "when any office shall become vacant by death, resignation, or otherwise, the Governor shall have power to fill such vacancy, unless otherwise provided by law; and persons so appointed shall continue in office until a successor is appointed agreeably to the mode pointed out by this Constitution, or by law in pursuance thereof." The answer to this suggestion and the argument in support of it is, that the Constitution does not confer the power on the Governor to assume that an office in a court, created and organized by law for the first time, and which never had any prior existence, or prior incumbent to fill it is a vacant office, according to the true intent and meaning thereof, but on the contrary, the Constitution contemplates that the District Court shall be created by law, and when so created by law, then it is made the duty of the Governor to complete its organization by the appointment of district judges and attorneys therefor, with the advice and consent of the Senate, in accordance with the provisions of that law, if consistent with the Constitution, and not otherwise. The Constitution does not declare an office in a newly created court by law, which had no prior existence, or prior incumbent in it, is a vacant office, and therefore, the Governor could not appoint an officer for that newly created court in any other manner than that prescribed by the Constitution and the law organizing it, to-wit: with the advice and consent of the Senate. The Constitution confers the power on the Governor to make appointments to fill vacancies in offices which have had a prior existence, and been filled by a prior incumbent where such offices become vacant, by the death of the incumbent, or by his resignation or otherwise, without the advice and consent of the Senate, such appointment to continue only until the assembling of the Senate. The words of the Constitution are, "when any office shall become vacant, etc.," not when any office is vacant because it never had any legal existence or incumbent in it as is claimed in this case. Before an office in the District Court could become vacant, in the sense those words are used in the Constitution, that Court must necessarily have had a prior legal existence, for if there was no such court there could not be any vacant office in it. The Constitution most clearly contemplates that the officer whose vacancy the Governor is empowered to fill by appointment, as claimed, must have been one who was originally appointed to the office, in accordance with the requirements of the Constitution and laws of the State, and subsequent to such lawful appointment the office becomes vacant by the death or resignation of the incumbent, or other cause not specially enumerated which makes the office become vacant on account of the indispositien or inability of the prior incumbent to perform the duties of it. Neither the words nor spirit of Constitution authorize the existence of the power claimed for the Governor in behalf of the defendant in error in this case. But there is another insurmountable difficulty in the way of the defendant in error. The Act of 1870 is an Act to organize "The District Court," and that act expressly provides that that Court shall be organized by the appointment of the District Judge and Attorney, by the Governor, with the advice and consent of the Senate, and hold their offices for a period of four years. This act contemplates an original appointment of the District Judges and Attorneys of the District Court for the term of four years. The appointment of the District Judges and District Attorneys, by the Governor, with the advice and consent of the Senate for four years, is an indispensable requirement of the act to perfect a legal organization of the "District Court," and therefore that Court has never been organized in accordance with the terms and requirements of that act, inasmuch as the appointment of the officers of that Court have not been made in the manner prescribed by the act, so as to make it a legal organized Court in conformity with the express requirements thereof, for it will not do to say that the Governor could assume that the "District Court" had been legally organized in any manner different from that prescribed by the act of 1870, and then proceed to fill the offices of that Court as vacant offices, under the 4th paragraph of the 2d section of the 4th article of the Constitution, when in fact the District Court had not been organized as required by the act of 1875, thus making it impossible that any office in that unorganized court could become vacant as contemplated by the Constitution. Before any office in the "District Court" could become vacant so as to authorize the Governor to fill it under the Constitution, as claimed, that court must have been legally organized by the appointment of the judges and attorneys thereof by the Governor with the advice and consent of the Senate, for a period of four years as expressly required by the act of 1870; then, if either of said offices in said court had thereafter become vacant by the death, resignation or otherwise of either of the officers of said court, so appointed as required by the act organizing the court, the Governor would have had the power of appointment under the Constitution, to fill such vacancy until the meeting of the next General Assembly, but not otherwise. The 66th section of the Code only authorizes the Governor to fill all vacancies as contemplated by the Constitution and laws of the State.

The Radical error of the argument in support of the legality of the appointment made by the Governor of the defendant in error as District Attorney of the District Court, is the unauthorized assumption, that the District Court was created and organized by the Constitution, whereas there was no judicial power vested in that Court by the Constitution, until it was "established by law," as provided in the Act of 1870, as is most clearly demonstrated by reference to the 1st section of the 5th article of the Constitution before cited. Until the passage of the Act of 1870, such a court as the "District Court," was not known to, or recognized by either the Constitution or laws of this State as a court, in which any judicial power whatever, could have been vested or exercised by any officer pretending to officiate therein. The Constitution simply provided for the appointment of District Judges and Attorneys, whenever a District Court should be created and organized by an Act of the General Assembly, and defining their jurisdiction, when so appointed under the provisions of such Act.

The result of the investigation of the question involved in this branch of the case therefore is, that until the District Court was created, and organized *by law*, or in the language of the Constitution, "established by law," there was no judicial power vested in *that Court* by the Constitution, to be administered, performed, or executed, by the appointment of either District Judge, or District Attorneys for *that court*, but when the District Court was established by law by the passage of the Act of 1870, then it became the duty of the Governor to appoint the officers of *that court*, in the manner required by that act, the same being, consistent with the Constitution, not to fill a *vacancy*, because none existed in that newly established court, but to have made an *original* appointment of judges, and attorneys for that newly established court, for the term of four years, with the advice and consent of the Senate, as required by that act, so as to have perfected the complete organization of the District Court, as contemplated by the Constitution, and as required by the act of 1870, and not otherwise. Until the district court had been organized by the appointment of the officers therefor, as required by the act of 1870, there was no office in that court which had become vacant in the sense and meaning of the Constitution, which would authorize the Governor to fill it as a vacant office. The appointment of the defendant in error as District Attorney of the district court of the 11th Senatorial district by the Governor, under the statement of facts disclosed by the record, was not only without authority of law, but in express violation thereof, as prescribed by the act of 1870. The next question to be considered is whether the act of the 28th of October, 1870, organizing the District Court, is a legal and valid law according to the provisions of the Constitution of 1868. This is the first time this question has been presented to this court for adjudication, and had received that consideration which its importance demands. By the 3d article of that Constitution, the legislative power of the State is vested in a General Assembly consisting of a Senate and House of Representatives. By the 3d paragraph of the 1st section of the 3d article of that Constitution, it is declared that "no session of the General Assembly, after the second, under this Constitution, shall continue longer than forty days unless prolonged by a vote of two-thirds of each branch thereof." By the 32d section of the 1st article of that Constitution, it is declared that "Legislative acts, in violation of this Constitution are void, and the Judiciary shall so declare them." The first inquiry to be made is, whether the act purporting to be an act of the General Assembly, passed on the [illegible] of October, 1870, organizing the District Court, was passed at a session of the General Assembly, after the second session thereof under the Constitution of 1868. The first session of the General Assembly under that Constitution, as appears from the published journals thereof, commenced in July, 1868, and adjourned *sine die* on the [illegible] day of October, 1868. The second session of the General Assembly under that Constitution commenced on the 13th day of January, 1869, and adjourned *sine die* on the [illegible] day of March, 1869. The third session of the General Assembly under that Constitution commenced on the 10th day of January, 1870, and was adjourned by the proclamation of the Governor on the [illegible] day of October, 1870. In Foster vs. Daniels, (39 Geo. Rep. 40) this court unanimously held and decided that the Constitution of 1868 took effect and went into practical operation in this State, on the 21st day of July, 1868. The sessions of the General Assembly of the State of Georgia held in 1868, 1869 and 1870, were necessarily held under the Constitution of 1868, which the members thereof took an oath to support, and could not have been held under any other

the General Assembly of the people of Georgia. The judges of this court, whose offices were created by that Constitution, were appointed and confirmed by the Senate of the General Assembly at its session in 1868 under this Constitution, for that purpose at least, it has been recognized as a session of the General Assembly under this Constitution, and for that purpose, it is presumed, that the session of 1868 will continue to be recognized as a session of the General Assembly under this Constitution. If the session of the General Assembly in 1868 was a session under this Coneritution, for that purpose, why was it not a session under this Constitution for all other legitimate purposes, and to be counted as such? The truth is and such is the historical fact, apparent on the face of the public records of the State, that the session of the General Assembly held in 1868, was the first session thereof held under the Constitution of 1868. That session of the General Assembly enacted laws under this Constitution for the Government of the people of Georgia, imposed taxes on them under this Constitution and passed an act to lay off a homestead under this Constitution. Shall they now be told that the session of 1868, was not a session of the General Assembly under this Constitution? The stubborn facts contradict the unauthorized assumption. To the contrary thereof the session of the General Assembly then, which met on the 10th day of January, 1870, was the third session thereof under the Constitution of 1868, and consequently was a session after the second under that Constitution. The second inquiry to be made is whether the act in question was passed after the expiration of the forty days from the commencement of the third session of the General Assembly, and if so, whether that session was prolonged by a vote of two-thirds of each branch thereof, as required by that Constitution? By reference to the Journals of the General Assembly as published, which this court is bound to recognize under the provisions of the 37-2 section of the Code, the third session of the General Assembly under the Constitution of 1868 was commenced on the 10th day of January, 1870. The act in question was dated on the 28th day of October, 1870, more than forty days after the commencement of the third session of the General Assembly under the Constitution of 1868. After a careful examination of the Journals of the General Assembly, it nowhere appears, therefore, that the time was prolonged by a two-thirds vote, indeed it was not contended on the argument that the session was prolonged by a two-thirds vote, as required by the 3d paragraph of the 2d section of the 3d article of that Constitution. The Constitution of the State is the organic law thereof, which creates the several departments of the State Government, and limits and defines the powers and duties of each department thereof, the Executive Department, the Legislative Department, and the Judicial Department. The Legislative Department of the State Government has no power or authority to enact laws or to perform other Legislative Acts for the government of the people in any other manner than that prescribed by the Constitution, and if it shall do so, such pretended laws or other Acts are not binding on the people, but are void, and it is expressly made the duty of the Judicial Department of the Government to declare them in all cases, except, as to the election returns and qualifications of the members of the General Assembly, each House thereof, is made the exclusive judge of those questions by the 4th section of the 3d article of the Constitution. The limitation of the time of each session of the General Assembly, as prescribed in the Constitution, was a wise one, intended for the protection of the people against unnecessary prolonged expensive sessions of the General Assembly. "No session of the General Assembly after the second, under this Constitution, shall continue longer than forty days, unless prolonged by a vote of two-thirds of each branch thereof," is the *mandatory* language of the Constitution. It necessarily follows, therefore, that all pretended laws purporting to have been passed by the General Assembly at its third session in 1870, after the expiriration of forty days from the time of the commencement of that session, are void, unless it is clearly shewn that the session was prolonged for a longer period than forty days, by a vote of *two-thirds* of each branch thereof, which, it is not pretended was done, and the journals of the two Houses furnish no evidence of that fact, and the legal presumption is that no such vote was taken, inasmuch as each House is required by the Constitution to *keep a journal of its proceedings*, and to have the yeas and nays recorded thereon, as to all questions requiring a two-thirds vote, and publish it, immediately after adjournment. The *mandatory* language of the Constitution is clear and explicit, that "no session of the General Assembly, after the second, under this Constitution, shall continue longer than *forty days*, unless prolonged by a vote of two-thirds of each branch thereof," and is equally binding on governors and governed Legislators, and people, and the Judges of the Courts. This clause of the Constitution is, and was intended to be, as binding and obligatory on the Legislative, Executive and Judicial Departments of the State Government, as any other clause thereof, and cannot be ignored without a palpable violation of it. It is said, if there is any reasonable doubt as to the validity of a law under the provisions of the Constitution, it is the duty of the courts to decide in favor of its validity; but what is a conscientious judge to do when he has no grounds, on which to base such a doubt? If I should declare that I doubted the fact of my own existence, or that two and two made four, the sincerity of that doubt, might well be questioned. So, if I should declare, that I doubted as to what are the clear words and meaning of the Constitution before recited, or that it was the third session of the General Assembly under the Constitution of 1868 which pretended to enact the law in question, or that it was passed after the expiration of forty days without a two-thirds vote of both branches of the General Assembly to prolong the session, or that the State was legally reconstructed under that Constitution on the 21st day of July, 1868, as was unanimously decided by this Court, Foster vs. Daniels, then the sincerity of all such doubts, might also well be questioned for the simple reason that there are no grounds on which to base such doubts. If I should express doubts as to the plain, unambiguous words of the Constitution, or as to what was the true intent and meaning thereof, or as to the fact that the session of the General Assembly of 1868 was held under the Constitution of 1868, or whether the mandatory requirements of the Constitution had been complied with so as to make the pretended act of the General Assembly now in question before the court a valid law in pursuance of that Constitution, such expressed doubts on my part, in view of the plain facts of the case, however plausible the pretexts therefor might be, would be open to a searching criticism by the people of the State, whose fundamental law, intended for their protection, has been so flagrantly and recklessly disregarded in the pretended enactment of the Act of 1870 organizing the District Court. The question is not who called the General Assembly of the State of Georgia to hold its session in 1868, or who administered the oath to its members, but the question is, under what organic law of the State did the General Assembly thereof hold its sessions in 1868, 1869 and 1870? Did the General Assembly of 1868 hold its session under the Constitution of 1868, and if not, under what Consitution was that session held? If the General Assembly of 1868 did hold its session under the Constitution of 1868, then, that was its first session under that Constitution. It is an indisputable fact, that the officers of the State created by that Constitution, including the Judges of this Court, as well as the Judges of the Superior Courts, were appointed and confirmed by the Senate of the General Assembly at its session in 1868 under this Constitution. It is also an indisputable fact, that the people of Georgia have been taxed to pay the expenses of that session of the General Assembly under this Constitution. The question recurs, was the sessions of the General Assembly in 1868 held under the Constitution of 1868? In view of the plain, incontrovertible, historical facts, well known to our entire people, to state the proposition is to decide it.

But it has been said that this is a political question, of which the Executive and Legislative Departments of the government are the judges, and not the Judicial Department. That argument amounts simply to this, that although the Executive and Legislative Departments of the State government may usurp and exercise authority not conferred on either of them by the Constitution, still, as such usurpers, they are the exclusive judges to determine the validity of their own usupations, whenever the individual rights of the citizens of the State are injuriously affected thereby.. Such is not the fundamental law of the people of Georgia. Their Constitution expressly declares that Legislative acts in violation of the Constitution, or the Constitution of the United States, are void, and the judiciary shall so declare them. The Constitution of the people of Georgia does not contemplate that the Executive and Legislative Departments of the government shall be the judges of their own usurpations in the pretended enactment of laws for their government in violation of that Constitution; this duty is expressly devolved on the Judicial Department of the State government, and whenever the officers of that department of government shall fail or neglect to perform their appropriate functions and sworn duties in regard to such usurpations,the people of the State will have no legal protection for their persons or their property, as they may soon discover, to their irreparable injury and damage. If the Constitution of the State is not to be observed and regarded in the enactment of laws for the government of the people thereof, then there is no practical use or benefit, resulting to them in having a Constitution, limiting and defining the powers and duties of these agents created by it. Vattel, that eminent civilian, has truthfully said that "to attack the Constitution of the State and to violate its laws is a capital crime against society, and if those guilty of it, are invested with authority, they add to this crime a perfidious abuse of the power with which they are entrusted." This court, in Solomon vs. Commissioners of Cartersville (41st Geo. Rep. 157) unanimously decided that an act of the General Assembly, which was not signed by the Governor within the time prescribed by the Constitution, was not a binding law. In that case, this court said, "the Constitution of the State is the fundamental law of the State, and if bills introduced into the General Assembly are not passed and approved in an accordance with the requirements and provisions of that Constitution, they have no binding force or authority upon the people thereof as laws." In view of the obligation imposed on me as a judicial officer to support and maintain the Constitution of the State, and for the reasons heretofore expressed, I am of the opinion that the judgment of the court below in this case should be reversed on both the grounds specified in the bill of exceptions.

The Daily Constitution.

ATLANTA:

WEDNESDAY, SEPTEMBER 6, 1871.

City Intelligence.

INDEX TO NEW ADVERTISEMENTS.—See notice to contractors by Aldermen Rice and Fowler.

Ladies' gala performance at DeGive's to-night, by Templeton's Troupe.

Henry Jackson & Bro. have a furnished house to rent.

Board can be had at the Simms residence, on Forsyth street.

An owner is wanted for some money found. Apply at P. Lynch's, Whitehall street.

See two legal notices of Judge Pittman.

See two legal notices of Judge Minor.

See legal notice of Judge Webster.

See rule to perfect service signed by W. R. Venable, Clerk.

See Milton county Sheriff's sales for October.

THE Senatorial District Court adjourned yesterday morning until this morning.

CROWDED OUT.—Over a column of matter for the local page, is unavoidably crowded out this morning by the pressure upon our columns by the length of the Supreme Court Decisions.

TRADE. — Trade was active yesterday. Cotton firm at quotations. Gold buying at $1 11 and selling at $1 13. Corn in, car load lots, 85a87½ cents; small lots 90 cents. Clear sides, bacon, 9¼ cents. Lard, in buckets, 13½ cents; cans, 12½ cents; tierces, 11½ cents. We note no other changes.

DEGIVE. — Templeton and his artistes were greeted with a full house last night. The performance was received with rapturous applause, and Alice Vane was encored. It was a perfect success—a decided hit. To-night, East Lynne and all the World's a Stage, will be presented. If you would enjoy a rich entertainment go to-night.

THE "ROARK" CORNER.—This celebrated corner was sold yesterday at Commissioners sale, and brought $1',20 cash. The fortunate purchaser was Mr. W. H. Brotherton, our genial dry goods merchant. Mr. Brotherton sells his goods cheap, and is a constant advertiser in THE ATLANTA CONSTITUTION is the reason that he is doing such a large business, and able to buy such valuable places as the "Roark Corner." It has a front on Mitchell street of 35 feet, and 110 on Whitehall. In future the corner will be known as the Brotherton corner.

PERSONAL.—Hon. J. J. Floyd and Colonel J. M. Pace, of Covington, are in the city.

Bishop George F. Rice passed through this city last night *en route* to Virginia.

We had the pleasure of a call yesterday from C. P. Hyde, General Passenger Agent of the Charlotte, Columbia and Augusta Railroad—the "Central Short line."

Mr. and Mrs. S. E. Crittenden left last night on a pleasure trip to the North.

Colonel J. T. Willingham, of Stone Mountain, has gone on a musical tour to New York.

GEORGIA SUPREME COURT.

Cases to be Decided in the Supreme Court, in Order, July Term, 1871.

REPORTED EXCLUSIVELY FOR THE CONSTITUTION, BY N. J. HAMMOND, SUPREME COURT REPORTER.

8. Macon Circuit......16	14. Northern Circuit......5
9. Flint Circuit......14	15. Augusta Circuit......10
10. Tallapoosa Circuit......15	16. Middle Circuit......1
11. Atlanta Circuit......33	17. Ocmulgee Circuit......5
12. Rome Circuit......12	18. Eastern Circuit......6
13. Cherokee Circuit......18	19. Brunswick Circuit......5

SUPREME COURT OF GEORGIA—*September* 5. After delivery of opinions in cases heretofore argued, argument of No. 16, Macon Circuit, was resumed and concluded.

Nos. 17 and 18 having been heretofore argued, the Court went back to No. 12. It is Samuel P. Salter vs. John Howard, case from Houston. Poe, Hall & Poe, S. D. Killen, for plaintiff in error. A. S. Giles, Nesbits and Jackson, contra.

Pending argument of this cause Court adjourned till 10 o'clock, A. M., to-morrow.

Phillips & Crew are prepared to supply School Commissioners and Teachers with all Books adopted by the State Board of Education, at introductory rates (one-half retail price,) for cash only.

HOTEL ARRIVALS

THE H. I. KIMBALL HOUSE, SEPTEMBER 5. 10½ o'clock P. M.

Crittenden & Co., Proprietors.

S M Barronghs, Pa,	Rev J S Rogers, So Circle,
W K DeGraffenreid, Ga,	W Edings, Ga,
R M Bazemore, Macon,	G Schaefer, city,
T H Jordan, Ga,	J P Briggs, city,
D Fetcher, city,	J Sharp, Jr, city,
Dr G M Bazemore, Ga,	M H Crawford, Ga,
H Middlebrooks, Ga,	L J Hill, Newnan,
G G Gill, Homer,	J J Long, Jefferson,
W C Orr, Athens,	Mrs M J Watson, "
R G England, "	Mrs M H Wade, Ga,
E F Bist, Macon,	H Bost•ick, Miss,
S Henson, Tenn,	Col T W Hooper, Ga,
Dr H Winthrop, Tenn,	J B Cook, N Haven,
W G Webb & w, S C,	M J Cook, "
C C Sabon, Tenn,	J C Glenn, city,
J M Cameron, N Y,	W W Haskell, N Y,
T C Stanley, Savannah,	J B Albert, N Y,
G H Curtis, Ky,	L Ulbrich, Mobile,
C A Davis, Jr, Tenn,	N J H. mmond, city,
A D Abrams, LaGrange,	B R Stephens, Griffin,
D C Adams, Ga,	W E Adams, Eatonton,
B F Burnett, Ga,	G E Ratchffe, Ga,
V H Crowley, So Circle,	R B Haberston, Ga,
T J Morgan, Augusta,	A J Henderson & w, Ga,
Rev H Dunlap, Ga,	P R Thomason, Madison,
S W Mays, w & 3 c, Ga,	D S Johnson, "
Mrs G W Crawford, Ga,	H W DePuy, N Y,
Miss Mays, Ga,	H H Sloan & s, Ga,
Master H Mays, Ga,	G W Parrott & w, Tenn,
D Rhode , Hawkinsville,	G W Nagle, Rome,
A Hill, Jr, Boston,	Miss W R Briggs, Ga.

CONSIGNEES PER WESTERN AND ATLANTIC RAILROAD, September 5, 1871.—Rich'd Say; J E Butler; E R Carr & Co; J S Oliver & Co; Rolling Mill; P E McDaniel; W A Moore; [D] & Co; West Point Railroad; P Pelham; Howard & Soule; R Peters; Sharp, B & Co; J H Ketner; U S Government; Pitts, Cook & Co; A C & B F Wyly; W Bender; T J Hightower & Co; Cox & Bro; E Parsons; Bell & Co; J S Wilson; G C Crawford; Brumby & McP; Lowry & Co; J R Simmons & Co; Wardsworth & Co; A J Lowe & Co; Morrison, B & Co; J T Hagan; M A Ha-den; Wood & A; Longly & Robinson; Pendleton, J & Co; Jones & Batie; H A Brown; Fechter & Mercer; R B Stegall; City Brewery; Atlanta Steam Brewery; J L Watkins.

Local and Business Notices.

W. H. BROTHERTON has the largest and cheapest stock of goods at retail in Atlanta. White Mosquito Nets 85 cents. sep6-d1t

ALL parties wishing the best and cheapest article of Coal Creek Coal, by the car, will find it to their advantage to call on me at the store of Brumby and McPherson, before buying elsewere.

sep6-d4t C. MCEWEN, Agent.

MCCUTCHEON'S CHEROKEE INDIAN BITTERS.—This valuable Indian Remedy is Tonic, Alterative, Laxative, Bitter, and powerfully Diuretic; a certain Remedy in all Diseases of the Kidneys, Bladder and Urinary Organs. We have confirmed these assertions by much experience and very extensive observation, and can therefore recommend it to the sick, with all the confidence which a knowledge of these facts inspires.

For sale by REDWINE & FOX.

aug12—d3m

L. SAVARESE & BRO, wholesale dealers in Fresh and Saltwater Fish of all kinds, Shad, Oysters, Terrapin, Game, Vegetables, Fruit and other Produce, 115 Bay Lane, Savannah, Georgia. All orders punctually attended to. Terms cash on delivery. Can be found next door to Jno. Peel's Bakery, Marietta street, Atlanta, Georgia.

aug29—tf

ONE or two Rooms to rent, in a pleasant neighborhood. Apply box 40. sep5d1w.

SEVERAL thousand old Papers for sale at this Office at 50 cents per hundred.

aug20-dtf

WE are Agents for the Battle Creek Coal Mines, and are prepared to furnish Coal for grates or steam, by car load, delivered in Atlanta, at 23¼ cents per bushel, or at 18 cents on cars at Chattanooga. This Coal is the best offered in our market, and this is the time to buy your Coal for winter.

july7—dtf ANDERSON, PATTON & Co. Chattanooga, Tenn.

REDUCTION OF 20 PER CENT. ON FORMER PRICES.—Eiseman & Bro., are offering immense bargains in Summer Clothing. Owing to the lateness of the season they have determined to reduce their stock, in order to make room and prepare for the fall trade. Their variety is almost endless; their styles unequaled, and gentlemen who desire fashionable and elegant garments, should not fail togive them a call.

aug5— april29—dtf

Marriage in High Life.—Hanleiter's Book Bindery and Blank Book Manufactory has been conjoined to, and forms part of, the Plantation Publishing Company's establishment, which is located in the new Odd Fellows' Hall, Marietta, corner of Peachtree, and presents a **Terrible Temptation** to all in want of anything in the way of PRINTING, BINDING OR RULING.

aug22-tf

PEEL'S RESTAURANT.—This popular resort is still open to the public. Everything nice can be had here. The bar is supplied with the choicest liquors and cigars. Confectioneries and fruits of all kind. All orders must be accompanied with the cash.

apr27-d1y

BY TELEGRAPH.

ASSOCIATED PRESS DISPATCHES.

WASHINGTON.

WASHINGTON, September 5.—The North Carolina Cherokee Indians will be removed in a few weeks to the Indian Territory.

The National Democratic Executive Committee to-day held a meeting here at which the following statement was authorized: This committee have had their attention called to an anonymous pamphlet entitled "Concessions, or how the Lost Cause may be acquired and the independence of the South secured," now being circulated over the States as though emanating from a Democratic source. The committee feel authorized to denounce the same as a fraud and the sentiments therein expressed as antagonistic to the principles and purposes of the Democratic party. Further, This committee are of the unanimous opinion that the same originated from a Radical source, with the intention to deceive the people and prejudice them against the only party which can reform the administration of the Government, and bring about a return to honesty and constitutional law.

(Signed.) SAMUEL J. RANDALL, Chairman of the Committee.

Messrs. Randall, Slocum, Swann, Eldridge and Jeffries were personally present, and Messrs. Niblack, Young, Merrick and Smith were represented.

NEW YORK.

NEW YORK, September 5.—Mary Russell, aged 22, died on Sunday. Mrs. Mary Ann Burns, the abortionist, has been arrested.

NEW JERSEY.

LONG BRANCH, September 5.—The Warmouth, Louissana, Republicans had a half hours consitation with Grant to-day. They have left for New York.

SOUTH CAROLINA.

CHARLESTON, September 5.—The Board of Health reports no yellow fever deaths within the last 24 hours.

MINNESOTA.

ST. PAUL, September 5.—A terrific storm prevailed in the town of Windom yesterday. A large number of buildings was prostrated. A man fatally hurt and blown from the cars.

ALABAMA.

MONTGOMERY, September 5.—The great industrial exposition of the Alabama Agricultural and Mechanical Association will open October 31st and close November 4th instead of time announced. $2000 is offered in prizes for improvements in all departments of agricultural and mechanic arts, manufactures, etc. Competition open to Alabema and the world. A cordial ivitation to all classes to participate. Preparations are going on upon a grand scale and ample accommodations will be provided for all exhibitors.

ENGLAND.

LONDON, September 5.—Dr. Karl Marz, the leading spirit of the International Society is dead.

The Confederate cotton bond holders are about publishing a report and the correspondence.

Strikes have taken place among the workmen at Sheffield and Cradford.

A special from Dublin says a renewal of the riots is apprehended. The police were ordered to use their revolvers unmercifully. The Soldiers are still under arms for emergencies.

The Sheffield strike is settled by arbitration. A similar settlement of the Newcastle strike is expected.

FRANCE.

VERSAILLES, September 5.—There was a tumultuous discussion in the Assembly today over a motion for the return of the Assembly and seat of government to Paris.

BELGIUM.

BRUSSELS, September 5.—A large number of workmen have struck, demanding a reduction of hours.

PRUSSIA.

BERLIN, September 5.—The Prussian Cross Gazette says that it was decided at Gaslein, to leave the Roman question entirely to Italy.

MIDNIGHT DISPATCHES.

NEW YORK.

NEW YORK, September 5.—English jounals received to-day complain of great scarcity of the harvest of laborers, especially in Cornwall, arising from the extensive emigration of miners and agricultural laborers to the Western States of America. Skilled miners are also becoming scarce, and will, it is said, continue to leave the country unless higher wages are given.

The President and family will visit New York on Thursday and return in the evening. They will then prepare to leave Long Branch next Tuesday, when they will visit Washton, Penn., where they will remain two weeks, when they will take a Western trip arriving in Washington about October 10th.

NEW JERSEY.

LONG BRANCH, September 5.—A committee of 20 of the Warmouths, La., delegation arrived at Long Branch at 11 o'clock to-day. Carriages were in attendance at the depot and the delegation were immediately driven to the President's cottage, where the President, by appointment, received and ushered them into the reception room, where the committee laid their greivances before him. Gen. Campbell read a statement of the views and wishes of the Committee, and presented to him an official copy of the proceedings and resolutions of the Convention which he sent to the Committee, after a considerable conversation in relation to facts contained in the address.

The President requested a copy, which was given him. He then said he would send it to the officers complained of and hear their statement before taking any steps in the matter. He remarked, also, that the address presented a formidable spray of charges against the Federal officers named therein. He said he had not authorized the use of troops, and that Gen. Reynolds when he filed the requisition of Marshal Packard, did not know they were to be used at political conventions.

The interview was pleasant, and the President exhibited deep interest. The committee withdrew and immediately proceeded to the Sans Souci hotel where they held a a private meeting. It is understood that the committee prepared a careful statement of the interview, giving as near as possible the exact language. They left Long Branch for New York this evening.

Telegraphic Markets.

NEW YORK, September 6.—Cotton strong; uplands 20; Orleans 20¾; sales 3,532 bales.

Flour—Southern steadier; common to fair extra $5 65a6 60; good to choice $6 65a9. Whisky steady at 93. Wheat 1a2c better; winter red Western $1 40a1 46. Corn firmer at 66½a67. Rice firm at 8½a9¼. Pork heavy at $13 50a13 62½. Lard quiet; kettle 9¾. Navals quiet. Tallow steady. Freights active.

Money abundant at 2a3. Discounts 57. Sterling 8¼a8¾ for prime bankers; 9¼ for sight. Gold 13¼a13¾. Governments steady; States active. Tennessees firm. New South Carolinas strong. Louisiana Levees 83; sold at 85. Tennessees 74; new 74. Virginias 63; new 70 Louisianas 65; new 60. Levees 71; 8s 82. Alabamas $1 00; 5s 68. Georgias 82; 7s 91. North Carolinas 44; new 25. South Carolinas 75; new 58.

AUGUSTA, September 5.—Cotton — middlings 18¼; net receipts 40 bales; sales 100.

SAVANNAH, September 5.—Cotton — low middlings 17½; net receipts 25 bales; sales 100; stock 3,126.

MOBILE, September 5.—Cotton—middlings 18¼a18½; net receipts 168bales; gross 72; sales 125; stock 5,814.

CINCINNATI, September 5.—Flour dull and unchanged. Corn dull and drooping at 51a52. Pork—holders firm at $12 37½a12 50. Lard held at 8¾a9. Bacon firm; shoulders 6¼; sides 7a7½. Whisky in good demand at 90.

LOUISVILLE, September 5.—Bagging quiet and heavy; held at 18a25. Flour in fair demand. Corn steady. Pork $12 50. Shoulders 3¼; sides 7¼a7½; Lard 9¼a10. Whisky 90a91.

LIVERPOOL, evening, September 5.—Cotton closed firm.

Amusements.

DEGIVE'S OPERA HOUSE!

Ladies' Gala Performance!

Wednesday Evening, September 6,

The Great Fashionable Five Act Play,

East Lynne; or, The Elopement.

The new Protean Comedy,

ALL THE WORLD'S A STAGE.

Doors open at 7½. Curtain rises at 8½ o'clock. General admission 75 cents. Family Circle 50 cents. Boys and Colored Gallery 25 cents, Children half price.

Reserved Seats (Phillips & Crew's Bookstore,) One Dollar. sep6—d1t

New Advertisements.

MONEY FOUND,

WHICH the owner can get by calling at P. Lynch's store, No. 92 Whitehall street, describing the amount and paying for this advertisement.

sep6—d1t

Furnished House to Rent.

HOUSE containing six-rooms, furnished, with kitchen connected, containing two rooms, within one hundred yards of the Capitol building, to Rent. Apply to

HENRY JACKSON & BRO.,
Attorneys at Law,
sep6—dtf Broad street.

BOARD.

PERSONS wishing pleasant and quiet Board, can be accommodated by applying immediately to Mrs. E. W. RUSSELL, at the "Simms' Residence," on Forsyth street, second house from the First Baptist Church. Day Board can also be obtained.

sep6—dwed-fri sun

TO CONTRACTORS.

SEALED proposals will be received until Friday, 12 M., the 8th day of September, (with right to reject any or all bids), to dig and build three Cisterns complete. Two of them to be located in the First Ward—one on Peters street near Castleberry's Store, and the other at the junction of Walker and Nelson streets. One in the Fifth Ward in front of the Tremont House, on Marietta street. All three to be built as per plan and specifications at Rice & Mitchell's Lumber Yard.

F. P. RICE,
sep6-d3t A. L. FOWLER.

GEORGIA, Fayette County.

ORDINARY'S OFFICE, September 2d, 1871.

WHEREAS, T. C. Malone has applie l for letters of guardianship of the person and property of L. M. Malone:

This is, therefore, to notify all persons concerned to show cause, if any they can, within the time prescribed by law, why letters should not be granted said applicant on the first Monday in October next, as applied for.

D. C. MINOR, Ordinary.
sep6—w30d Printer's fee $3 50

GEORGIA, Fayette County.

ORDINARY'S OFFICE, September 2d, 1871.

WHEREAS, C. F. Landrum has applied for letters of guardianship of the persons and property of J. L. and J. D. Landrum, minors of Washington Landrum, deceased:

This is, therefore, to notify all perso s concerned to show cause, if any they can, within the time prescribed by law, why letters should not be granted said applicant, on the first Monday in October next, as applied for.

D. C. MINOR, Ordinary.
sep5—w30d Printer's fee $3 50

GEORGIA, DeKalb County.

ORDINARY'S OFFICE, September 4th, 1871.

WHEREAS, Nathan Russell, administrator of the estate of Thomas Ak'n, deceased, having applied for leave to sell the real estate of said deceased:

This is, therefore, to notify all persons concerned, to file their objections, if any, within the time prescribed by law, else leave will be granted said applicant, as applied for.

W. R. WEBSTER, Ordinary.
sep6—w4w Printer's fee $5

NOTICE.

DIVERS citizens of Fulton and Campbell counties having petitioned for the changing of a Road at or near the residence of George Oliver, and running in the direction of James Oliver's, Isaac Peacock, James Baker, and others, to the county line between Fulton and Campbell counties, through the two lots of land and plantation of James Oliver, connecting at the South line of said plantation with the new road just laid out from Fairburn in Campbell county. And Commissioners having been appointed to examine and report upon the utility of said road, and said Commissioners having reported, recommending that said road be opened as a public road. Now, therefore, all persons are notified that on the first Tuesday in October, 1871, said new road will be finally granted if no good cause is shown to the contrary.

DANIEL PITTMAN, Ordinary.
sep6—w4w Printer's fee $5

NOTICE.

DIVERS citizens of the 1234th District, G M., of Fulton count , Georgia, having petitioned that the Plaster's Bridge Road leading from Peachtree street, in the North End of the city of Atlanta, and running Northeast towards the old Montgomery's Ferry Road and intersecting with the road running from Decatur to Buckhead, which is now a private way, be changed into a public road. And Commissioners having been appointed to examine and report upon the utility of said road, and said Commissioners having reported, recommending that said private way be opened as a public road. Now, therefore, all persons are notified that on the first Tuesday in October, 1871, said new road will be finally granted, if no good cause is shown to the contrary.

DANIEL PITTMAN, Ordinary.
sep6—w4w Printer's fee $5

GEORGIA, Fulton County.

SUPERIOR COURT—APRIL TERM, 1871.

Present, His Honor, Judge John L. Hopkins—J. Jennie M. Sumner vs. Jno. Bryan, Dunningham and Oliver Keese, and George W. Adair, Agent. Injunction, etc. Rule to perfect service.

IT appearing to the Court, by the return of the Sheriff, that the defendants do not reside in this county; and it further appearing that they do not reside in this State; It is, on motion of counsel, ordered that said defendants appear and answer, at the next term of this court, else that the case be considered in default, and the plaintiff allowed to proceed. And it is further ordered that this Rule be published in The Atlanta Constitution, once a month for four months.

A true extract from the minutes. May 19, 1871.
june1—d1am4m W. R. VENABLE, Clerk.

Milton County Sheriff's Sales for November.

WILL be sold before the Court House door, in the town of Alpharetta, Milton county, Georgia, between the legal hours of sale, on the first Tuesday in November next, the following property, all lying on the Chattahoochee river, in this county, to-wit:

All that part or fraction of land lying and being in the first district and second section of formerly Cobb, now Milton county, containing six and one-half (6½) acres, more or less, known in the plan of said district as No. (573) five hundred and seventy-three; also, all that tract or parcel of land lying and being in the (6th) district of formerly Gwinnett, now Milton county, Georgia, known in the plan of said district as No. (365) three hundred and sixty-five, it being the south half of said fractional lot, containing one hundred acres, more or less; also, (3) three acres of fractional lot No. (360) three hundred and sixty in same (6th) district, bounded by the Chattahoochee river on the Northeast, and by the surveyed line of said fraction on the Northwest. Levied on to satisfy a Mortgage fi. fa. issued from the Superior Court of said county, in favor of J. R. Owen and Jas. P. Simmons vs. Jackson Gregory. The same being pointed out within and as the property of said Jackson Gregory This September 1st, 1871.

H. B. MIKEL, Deputy Sheriff.
sep6—w1ds Printer's fee $5 per levy

The Vibrator Churn,

One of the most Ingenius Inventions of the Age.

FROM this date we have the exclusive agency for the sale of this Churn in Georgia.

We invite an inspection of the Vibrator Churn.

ECHOLS & WILSON.

"NEW DEPARTURE"

To Atlanta, in the H. I. Kimball House,

Store Fronting Decatur street.

M. HEYMAN & BRO.,

Wholesale Boot and Shoe Dealers,

RESPECTFULLY CALL THE ATTENTION OF THE TRADE TO THEIR

NEW AND ENORMOUS STOCK

—OF—

All Grades and Latest Styles,

FOR LADIES, CHILDREN AND MENS' USE.

☞ We call special attention to the Ladies to examine our CUSTOM MADE GOODS before purchasing elsewhere. Our business experience in this State, and our connections with Eastern manufacturers, enable us to give satisfaction, and a trial will demonstrate the fact. No trouble to show goods, and we guarantee to please our customers in every instance.

FAIL NOT TO GIVE US A TRIAL! Respectfully,

sep3—d3m M. HEYMAN & BRO.

J. W. FISKE,

99 Chambers Street, CORNER OF CHURCH, NEW YORK,

—MANUFACTURER OF—

ORNAMENTAL IRON WORK,

FOUNTAINS, VASES,

Statuary, Deers, Dogs, Lions, Setters, Chairs,

—AND ALL KINDS OF—

Lawn and Garden Ornaments.

GALVANISED WIRE FENCE, for Farms, Lawns, Henneries, etc.

CRESTINGS FOR MANSARD ROOFS, a large variety of new and desirable patterns.

IRON STABLE FIXTURES, of the most approved designs.

IRON AND WIRE RAILINGS, for Public and Private Dwellings, Banks, Offices, Counters, etc.

COPPER WEATHER VANES,

Over 250 new and original patterns.

☞ ESTIMATES GIVEN FOR ALL WORK WHEN REQUIRED. ☜

☞ Specimen Fountains to be seen at the Governor's Mansion, The Kimball House, and residence of Colonel John M. Clarke, McDonough street, Atlanta.

99 Chambers Street, Corner of Church,

july28—d3m NEW YORK.

BUY YOUR BOOTS & SHOES

--OF--

G. H. & A. W. FORCE,

WHERE YOU WILL FIND SUCH AS ARE PARTICULARLY ADAPTED FOR THE

JOBBING TRADE.

ALSO, FINEST GOODS FOR RETAIL, AT

REASONABLE PRICES!

Custom Work a Specialty.

aug27— feb20—d1y

"THE LIVE DRUG STORE."

ON HAND, AT REDUCED PRICES,

20,000 POUNDS STRICTLY PURE ST. LOUIS LEAD.

10,000 POUNDS MEDIUM AND LOWER GRADES OF LEAD.

5,000 POUNDS OF THE RICHEST AND PUREST COLORS FOR FANCY AND CONTRAST PAINTING.

THE LARGEST STOCK OF

Linseed and Lubricating Oils.

Turpentine, Varishes, Etc., Ever Before Kept.

1,000 BOXES FRENCH AND AMERICAN WINDOW GLASS, OF ALL SIZES and QUALITIES.

PURE DRUGS, MEDICINES AND CHEMICALS.

ALL OF WHICH WE ARE OFFERING AS LOW AS THE LOWEST, AND GUARANTEE TO BE AS SOLD.

"Soda Water"

Is now in great demand and dispensed with RICHER FLAVORS and more ICE than at any time in the past. "TRY IT."

aug13—june7-dtf REDWINE & FOX.

RICHARDSON'S

Irish Linens, Damasks,

LINEN CAMBRIC HANDKERCHIEFS, &C.

WE feel ourselves called on again to CAUTION CONSUMERS against the indiscriminate use of Irish fabrics made up to imitate our goods in fold, trade mark, and general appearance, and to warn them, that their only safeguard is to see that the authentic seal of our firm

J. N. RICHARDSON, SONS & OWDEN,

is stamped upon each article.

Determined to confine ourselves, as heretofore, to the use of yarns spun from the choicest and strongest Flax, by the best machinery obtainable; uniform in weight and elasticity—manufactured and bleached under our own superintendence—the consumer will be

GUARANTEED BY OUR SEAL

the same durability and satisfaction in the wear, which the genuine goods have always afforded.

J. N. RICHARDSON, SONS & OWDEN.

Belfast, Ireland, 5 Mo. 15, 1871.

aug25—d&w6m

Livery Stable at Grantville.

PERSONS wishing to go to Grantville, Franklin, or any other point convenient to Grantville, can now get first-class conveyance, at any time, on the arrival of any train, by applying to

[illegible] & CLOWER.

300 Bushels Red Clover.

100 Bushels Timothy,

300 Bushels Ky. Blue Grass,

200 Bushels Orchard Grass,

Sapling and Alsike Clover.

THESE Seed were purchased directly from the growers, are guaranteed fresh and pure.

ECHOLS & WILSON,

Agricultural Warehouse and Seed Store,

Broad street (by the Bridge.)

aug25—d1m Atlanta, Ga.

Echols & Wilson,

WILL MAIL their large and handsomely illustrated

CATALOGUE AND PRICE LIST,

Postage prepaid to applicants.

L. SCOFIELD, President. O. L. PACKARD, Secretary.

The Scofield Rolling Mill Company,

ATLANTA, GEORGIA

Manufaturers of

RAILROAD AND MERCHANT BAR IRON,

Fish Bars, Spikes, Etc,

THIS COMPANY HAS RECENTLY ADDED TO THEIR WORKS THE

Most Improved Machinery

FOR MANUFACTURING

ALL KINDS OF IRON AT A LOW PRICE

Special attention given to the manufacture of a good article of IRON for consumers.

Keeping a full Stock of all sizes on hand,

And being confident of giving entire satisfaction, we respectfully ask consumers to give us a trial.

LIBERAL PRICES PAID FOR WROUGHT AND CAST SCRAP AT ALL TIMES.

☞ SEND FOR OUR NEW PRICE LIST.

Office, Corner Broad and Walton Streets, Atlanta, Georgia,

feb8—dtf

JOHN STEPHENS. JOHN H. FLYNN.

STEPHENS & FLYNN,

General Commission Merchants

IN GRAIN, PROVISIONS, HAY, LIME, GUANO, SALT LIQUORS, ETC.,

HAVE NOW IN STORE, and offer to the trade:

100,000 lbs. Bacon—clear and rib sides,	40,000 lbs. Sugar cured and Cavas Hams,
150,000 lbs. Dry Salt Meat, clear rib rides,	100,000 lbs. Dry Salt Meat, clear sides,
6,000 bushels choice White Corn,	1,000 bushels choice Yellow Corn,

1,000 barrels Flour—best brands.

In addition, we are receiving, daily, heavy consignments of Produce from Tennessee and the Western States, and propose keeping full stocks at uniform low prices.

Being Agents for the sale of the celebrated Flour made at the Lebanon, Kentucky, Mills, we are receiving daily and have in store, the

"R. E. Lee," "Lebanon XXXX," and "Belle of Lebanon"

Brands, and can guarantee the quality equal to any Flour offered in any market.

LIME! LIME! LIME!

Having the Agency for sale of the HOWARD LIME, made at Kingston, Ga., and the celebrated SHELBY LIME, made in Alabama, we offer to Builders and Plasterers these favorite brands—the VERY BEST THAT COMES TO THIS MARKET.

Domestics and Cotton Yarns Sold at Factory Prices.

500 bales Choice Hay in store.
20,000 lbs. Lard in Tierces, Cans and Buckets.
50 barrels choice Corn Whisky
10 barrels choice Rye (some of that famous 7 years' old)
10 tons Cotton Seed Meal,
Butter, Eggs, etc. received daily.

These goods being on consignment and ordered sold, we propose closing them out to the trade at low prices.

Liberal cash advances made on consignments, and patronage solicited.

STEPHENS & FLYNN,

may31-dtf Forsyth Street, Atlanta, Ga.



Announcement Extraordinary!

FROM THIS DAY I WILL RETAIL

Petro Oil at Forty Cents per Gallon!

DEALERS IN THE THE CITY WILL SELL AT THE SAME PRICE.

THE IMMENSE amount of this Oil sold, and my facilities for handling it being unsurpassed, induces me to put the PRICE DOWN. A new schedule of prices will be made for dealers.

I do not handle any but the BEST QUALITY OF COAL OIL, hence cannot sell it for less than Fifty Cents per gallon. My stock of

LAMPS AND LAMP FURNITURE

IS COMPLETE.

The House on Peachtree street will not handle OIL—keeping nothing but the most choice

Fancy Groceries, Fruits, Wines, Liquors and Fancy Articles.

Orders solicited for anything in the Oil, Lamp or Grocery line.

☞ GOODS DELIVERED FREE OF CHARGE, and every article guaranteed to give satisfaction.

☞ To CASH BUYERS—I will sell cheaper than any house in the city.

july1—d6m JOHN T. HAGAN.

NEW ARRIVALS

—AT—

MARK W. JOHNSON'S

Agricultural Warehouse,

OPPOSITE COTTON WAREHOUSE, BROAD STREET.

"THE BEST."



The Keller Patent Grain Drill for Sowing Wheat,

AND OTHER SMALL GRAIN. This is one of the best Machines on the market. Prices have been greatly reduced and terms made liberal.

CLOVER AND GRASS.

I beg to call particular attention to my stock of NEW FIELD SEEDS, now daily arriving—bought as they were, for CASH, and in large lots, they will be sold cheap, for Cash only. My variety is the greatest in the South, and consists, in part, as follows:

600 bushels Red Rust-proof Oats.	300 bushels Red Clover.
300 bushels Selected Seed Barley.	315 bushels Red Top or Herd's Grass.
250 bushels Seed Rye (to arrive.)	234 bushels Orchard Grass.
500 bushels Purple Straw, Broughton and Lancaster Seed Wheat.	100 bushels Tall Meadow Oat Grass (to arrive.)
	175 bushels Blue Grass.

Also, a good assortment of Crimson Clover, Lucerne, White Dutch Clover, Saplin Clover, Alsike Clover, Mixed Lawn Grass, Timothy Grass, Rescue Grass, Roots of Bermuda Grass, etc. Instructions as to when to plant will be given freely to all.

PLOWS.

Don't forget that I have a larger and cheaper stock of Plows than ever before. I now sell a good 1-Horse Plow for..............................$3 50 | 2-Horse Plow for..............................$5 50

I am also prepared to supply the

Thompson Road Steamers,

which will draw a gang of seven Plows, and break up twenty acres of land a day.

Guano for Wheat.

My stock of Guano for the Wheat Crop, is arriving, and will be sold on favorable terms. My stock of Pumps, Well Houses, Wagons, and everything in the Agricultural line is complete.

TERMS CASH. The public invited to examine my stock.

MARK W. JOHNSON,
P. O. Box 316,
aug25—dtf Broad Street, Atlanta, Georgia.

W. L. WADSWORTH. CHAS. WYNN, N. Y.

W. L. WADSWORTH & CO.,

Importers and Wholesale Dealers in Hardware,

The Daily Constitution.

General News Items.

The Long Branch season is over.

Iowa Falls City has 3,000 hog pens.

The cotton worm is doing much damage in Arkansas

Giles county, Tennessee, has negro women Ku-Kluxes.

Tennessee papers are all illustrated with old John Robinson.

The expenses of Cincinnati last week amounted to $70,965 26.

Two millions of crates of peaches have been received at Jersey City this season.

The revenue derived from the sale of dog collars, up to date, in Petersburg, is $1,496.

Under the last census, Alabama lacked eight persons of a round million.

Jasper county, Texas, has a rock that makes mill stones equal to the French bhur.

By continuous travel, a trip around the world can be made in eight days.

Mrs. E. A. Donelson, wife of Major A. J. Donelson, died in Mississippi last week.

Sweet potatoes are abundant in the Montgomery market at twenty-five cents per quart.

Over three thousand members of the Howe family have gathered at Framingham, Massachusetts.

Singed-cat is the common pronunciation of Mr. Boutwell's new term, written Syndicate.

A Wisconsin farmer shipped 18,000 pounds of butter one day last week, and had enough left for supper.

A plug tobacco manufactory, in Quincy, Illinois, paid $18,000 internal revenue last month.

The rust and the army worm together are playing sad havoc with the cotton crop in North Mississippi.

Greeley is off lecturing among the Horticultural, Geological and Agricultural Societies of the West.

Judge R. H. Stanton, of Maysville, Kentucky, is to take charge of the political department of the Louisville Ledger.

A telegraph line has now been finished bringing Greenville, South Carolina, in full communication with the world.

President Grant declines an invitation to be present at the opening of the European North American Railway Company.

Ten thousand dollars have been raised to build a college at Pilot Point, in Denton county, Texas.

Thirteen Ocean steamships are regularly engaged in carrying cotton from New Orleans to the European markets.

Texas expects to build five hundred miles of railroad this year. The State in three years has given $15,000,000 to railroad corporations.

General Ruffner, of General Pope's staff, has had an observatory erected at Fort Leavenworth for the purpose of working in conjunction with the lake survey at Detroit, Michigan.

The damage inflicted by the grasshoppers in Maine this year must be measured by millions of dollars. Hundreds of farmers, who two weeks ago were expecting at least a good crop of corn, will hardly get an ear.

Political News Items.

James F. Wilson has consented to be a candidate for the United States Senate from Iowa.

The feud between the two Republican factions, in New Orleans, is just as bitter, and the leaders just as implackable as ever.

The leading candidates for the Senatorship in Kentucky, are ex-Senator McCreery and Hon. James B. Beck.

The recent Republican Convention of Mississippi sustains Governor Alcorn, reported for universal suffrage and free schools.

Vice-President Calfax tells a reviewer that he will not be a candidate, that he is for Grant against the field, openly and above board.

Democrats throughout Texas are waking up and showing the greatest activity. They propose such warm work in the fall as to insure the fall of Radicalism.

Sumner, Fenton, Logan, Bowen, and others, with the approval of Secretary Seward, suggests the name of Geary as the Republican candidate for the Presidency in 1872.

The Wisconsin Radical State Convention have nominated Grant's man, Washburn, for Governor. Dissatisfaction in the State at the nomination.

The civil service of the United States, at this time, costs fifty four millions, which is about what the whole expenses of the government were before the war.

Massachusetts Democrats are again talking of putting forth John Quincey Adams for Governor. The split in the Radical ranks renders his election a not improbable event.

There are four Republican candidates in the field for Governor in Massachusetts, including Ben Butler, and a probability of one or two more before the election.

In Maryland the Democrats are determined that nothing shall prevent them from a fair triumph over the Republicans. They ignore all questions that are calculated to divide them.

A bitter feeling is springing up between Greeley and Woodhull, the two old women who are running for the Presidency. Both are aspirants, and a mutual jealousy is the result.

The Little Rock, Arkansas, Democracy, at a recent meeting adopted the following: Resolved, That as the sense of this meeting we recognize the adoption of the late amendments to the Constitution of the United States as settling the political status of all citizens not disfranchised by State or national legislation, and that we deprecate any discussion of the suffrage guaranteed by these amendments, and that we earnestly recommend to our fellow-citizens the doctrine of universal amnesty and universal suffrage.

Foreign News Items.

In London thirty Hindoos are studying for the bar.

Travelers say that Paris was never so expensive as now.

Deaths from cholera at Tabrez, Persia, average 200 daily.

Italy has declined to participate in the conference at Gastein.

The Sultan of Turkey takes his snuff from a box costing $20,000.

Subscriptions have been opened in England for the relief of the people of Persia.

The Life Insurance Companies of Berlin, Prussia, are insuring lives against the cholera.

It is estimated that about 5,000 shipwrecks occurred last year, and about 2,000 of them on the coast of England.

Alarm about Queen Victoria's health is beginning to be felt in England. Her nervous system is said to be shattered.

The Swedish army is to be reorganized. War measures are being instituted in all the countries of Europe, and therefore a conflict is imminent.

Professional schools, called schools of commerce and industry, have been established in the different arondissements of Paris. No charge is made for tuition.

Barring Brothers, of London, have been superseded as financial agents of the United States abroad, by the appointment of Messrs. Clews, Habich & Co.

Canada boasts of the discovery of an ancient burial place, containing some two hundred gigantic skeletons with the clay of departed pipes in their mouths.

By a typoon on the Japanese coast a whole district was laid waste, several vessels were wrecked, and about 400 persons were crushed to death by falling buildings.

The 15th of August, Napoleon's *fete* day, besides the congratulatory telegrams of the European governments, the ex-Emperor received as many as 1,000 letters and 800 dispatches, together with various presents, and an address signed by 60,000 business men in Paris.

☞ "Rick" has been exploring New Jersey graveyards for "felicitous epitaphs," and sends the following specimen from a cemetery in Cape May County:

MARY JANE,
Aged 11 yrs. 8 mos.

She was not smart, she was not fair,
But hearts with grief for her are swellin';
All empty stands her little chair—
She died of eatin' watermelin.

☞ For open corruption—barefaced, glorying in political infamy—the New Orleans office-holders take the palm. During a movement recently to change the officials of the City Water Board and for other purposes, it was shown that every member of the City Council had been liberally fed, one man claiming that an independent fortune had been offered him.—*New York Herald.*

Hotels.

McDOWELL HOUSE,

NEWNAN, GA.

W. M. REYNOLDS,
Owner and Proprietor.

TABLE always supplied with the best the market affords. Board as cheap as anywhere in Georgia.
june16—tf

EXCHANGE HOTEL,

TALLADEGA, ALABAMA.

Colonel R. ROSS, Proprietor.
feb19—dtf

TIBBS HOUSE.

J. D. CAMPBELL, Proprietor.
DALTON..............................GEORGIA
aug1-dtf.

1871. **SIMS HOUSE,** 1871.

BY P. B. HALL.
LAGRANGE..............................GEORGIA
jan7—dtf

PYE HOUSE,

NEW HOTEL,
FORSYTH..............................GEORGIA.
ED. CALLOWAY, Clerk. W. H. WILSON, Proprietor.
oct30-dtf

SNELLING HOUSE,

GREENESBORO..............................GEORGIA
BY MRS. J. A. SNELLING.

MEALS at all hours. Porters will attend the trains regularly.
feb13-dtf

BARTOW HOUSE,

CARTERSVILLE..............................GEORGIA
J. T. GUTHRIE, Proprietor.

NO pains or expense spared to render guests comfortable. Table supplied with the best the market affords. Attentive waiters; clean rooms.
aug12-dtf

JOHNSON HOUSE,

BY MRS. DR. JOHNSON,
KINGSTON..............................GEORGIA.
june12-dtf

NATIONAL HOTEL

J. F. EAVES, Proprietor
Railroad Avenue, near the Depot,
CHATTANOOGA..............................TENNESSEE.
nov27—d1y

BACON HOUSE,

LEXINGTON..............................GEORGIA
JOHN W. BACON, Proprietor.

A REGULAR Two-Horse Hack will attend every day, to convey passengers from the Railroad to and from Lexington, Ga.
sep11-dtf

THE KENNESAW HOUSE,

MARIETTA..............................GEORGIA

HAS ample rooms for the accommodation of families. A large Verandah has just been added, together with other improvements, making it the most pleasnt summer resort in the land. Hops will be given and amusements provided for.
june30-dtf FLETCHER & FREYER

CHOICE HOTEL.

Corner Broad and Bridge Streets.
ROME, GA.
J. C. RAWLINS, Proprietor.
Situated in the business part of the city.
Passengers taken to and from the Depot FREE OF CHARGE.
dec4-tf LEON A. CAMP, Clerk.

Hammett House,

JONESBORO..............................GEORGIA.

THIS HOTEL is the regular Eating House on the Macon and Western Railroad, and is convenient to the central part of the town. The house has been remoddled and refitted, and the table will always be supplied with the best fare which the market affords. The Proprietor will spare no pains or expense to please his patrons. Mrs. Hammett, (formerly Mrs. Watkins, of Palmetto,) is connected with the house, and would be pleased to see her old friends.
aug22— jan15—dtf

RAILROAD EATING HOUSE,

GRANTVILLE..............................GEORGIA.

THE traveling public over the Atlanta and West Point Railroad, will find a very desirable and well kept HOTEL at the above place, and which cannot be surpassed in point of good living.

Mr. J. G. Trammell, the Proprietor, assisted by his estimable lady, has had an experience of over thirty years in Hotel keeping, and they are determined to spare no pains or expense to give entire satisfaction.
may22-dtf

TENNESSEE HOUSE,

Rome, Ga.

J. A. STANSBURY, Proprietor.

THE above Hotel is located within Twenty Steps of the Railroad Platform, and convenient to the business portion of town. Servants polite and attentive to their respective duties. All baggage handled free of charge. Satisfaction guaranteed.
jan29-dtf

HEARD HOUSE,

LaGrange..............................Georgia.
BY GEORGE C. HEARD.

THIS House has been recently thoroughly renovated and refurnished. The tables always supplied with the best the market affords. Porters will be found at the Depot on every arrival of the Trains to take charge of baggage.
feb25—dtf

ECKLES HOUSE

AND

LIVERY STABLE,

SOCIAL CIRCLE, GA.
Rates of Board:
Single Meal.......50 cents | Per Day............$2 00
Per Week..........$8 00 | Per Month..........20 00
Livery Stable Charges at Corresponding Rates.
STERLING ECKLES, Proprietor.
june9-dtf

CAMP HOUSE,

FORSYTH..............................GEORGIA

MR. J. B. CAMP having withdrawn from the management of the PYE HOUSE, and taken charge of THE PROCTOR HOUSE, would inform his friends and former patrons in all parts of the country, and the traveling public generally, that he is prepared to give ample accommodation and satisfaction to all who may make his Hotel their headquarters. The house has been substantially refitted and improved, and will now compare with the best.

A Stage Line to Indian Springs connects with this House and there is also a livery and sale stable attached. Travelers will find at this house a regular Old Virginia Welcome.
oct30-dtf J. B. CAMP, Proprietor.

PYE HOUSE, FORSYTH, GEORGIA.

THE undersigned has taken charge of the above house and takes this method of informing the traveling public, that the house has been thoroughly renovated and refitted in every department, and he is determined that his table shall be supplied with all the luxuries the market will afford, that no pains nor money will be spared to render his guests comfortable, pleasant and happy while they remain with him. Competent and polite servants will attend his table, and efficient porter will be in attendance at the arrival of each train of cars. He only asks the traveling public to give him a call to be convinced. When the train arrives, hand your checks to the PYE HOUSE porter. Adjoining the house I will have a Bathing Saloon, hot or cold, at all hours.
WILLIAM SCARBROUGH,
june16-d3m Proprietor.

GLOBE HOTEL,

LAWRENCEVILLE, GA.,

HAS ample room for the accommodation of families.

Travelers will find at this House a regular

OLD VIRGINIA WELCOME,

And board as cheap as could be asked for.

The House has been refitted and improved, and will compare with the best.

Good water here, and a fine, healthy climate, unsurpassed in North Georgia.

I have also a Livery Stable attached. Horses and buggies can be had on reasonable terms.
june9-dtf W. J. BORN, Proprietor.

KING HOUSE,

STONE MOUNTAIN, GA.,
On the Georgia Railroad, 16 miles from Atlanta.

THE above new and elegant Hotel has been leased by the undersigned, and is now open to the public. The house is elegantly fitted up, and every arrangement has been made which can conduce to the comfort of guests. As a

Summer Resort

no place in the South is superior; situated at the foot of Stone Mountain, perhaps the greatest natural curiosity in the United States, with grand scenery, fine water, including a

MINERAL SPRING,

an analysis of which shows it to possess wonderful healing properties. Every attention will be paid to the comfort of guests, and the table supplied with the very best the market affords. Trains leave Atlanta for Stone Mountain twice every day and return. As a point for Excursions from Atlanta, and all towns along the Georgia Railroad, it offers superior inducements, or as a boading place for those desiring to be away from the heat and dust of the city, and still be near to business.

RATES OF BOARD:
Per day $3 00; per week 15 00; per month $40 00.
Special arrangements made with families, according to number, and age of children, etc.
MRS. A. S. WHITE, Proprietress.
E. T. WHITE, Manager. apr25-dtf

A. J. HARALSON,

COR. MARIETTA AND BROAD STREETS,

General Auction

—AND—

COMMISSION MERCHANT,

And Wholesale and Retail Dealer in Furniture.

Consignments solicited. Cash advances on Consignments for Auction in store.

REFERENCES—Gordon, Willis & Co., Bankers, Wall street, Atlanta, Georgia. aug16-d1m

DISSOLUTION.

THE firm of E. Andrews & Co. is this day dissolved by mutual consent.
E. ANDREWS,
Atlanta, July 1, 1871. S. S. MAY.

The business will be continued under the name and firm of C. P. May & Co., at the Old Stand, No. 81, Whitehall street. We shall keep a full stock of Saddles, Harness and Saddlery Hardware, and solicit the patronage of the citizens of Atlanta, Ga.
C. P. MAY & CO.

All bills due the firm of E. Andrews & Co., will be settled by the new firm. july4-tf

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JAMES W. QUEEN & CO.,

924 Chestnut St. Philadelphia,
535 Broadway, New York.

OPTICIANS, MATHEMATICAL AND PHILOSOPHICAL INSTRUMENT MAKERS AND IMPORTERS.

Spectacles, Microscopes, Spy Glasses, Opera Glasses, Telescopes, Botanical Glasses, Drawing Instruments of Brass and German Silver, Surveying Compasses, Engineers' Transits and Levels, Chains, Tape Measures, Drawing Paper, and Drawing materials of all descriptions.

Magic Lanterns and Slides, Thermometers, Barometers, Globes, Electric Machines, Rhumakof Coils, Air Pumps, Galvanic Apparatus, &c., &c.

The following Manuals sent on receipt of 10 cents for each part:
Part 1. Mathematical Instruments, 135 pages.
" 2. Optical " 100 "
" 3. Magic Lanterns 88 "
" 4. Philosophical Instruments, 66 "
june14-d3mo

MERCHANTS,

Buy Your Crockery and Glass,

No. 47 Peachtree Street,

—FROM—

T. R. RIPLEY,

IMPORTER AND JOBBER.

Established Twenty-One Years.

KEEPS a large stock. Occupies three floors 120 by 30 feet.

Inducements offered to Cash buyers equal to any market. aug3-d3m

Bale's Auction House,

ROME..............................GEORGIA.

CONSIGNMENTS SOLICITED. Returns made as desired. J. A. BALE, Proprietor,

REFERENCE—J. H. James, Banker, Atlanta; Meador & Bro., Atlanta; Silvey & Dougherty, Atlanta; Moore & Marsh, Atlanta; Cox & Hill, Atlanta.
Rome, Georgia, November 15, 1870—dtf

GEO. N. LESTER, Marietta, Ga. WM. S. THOMSON, Atlanta, Ga.

LESTER & THOMSON,

Attorneys at Law,

ATLANTA, - - - GEORGIA,

WILL give prompt attention to any business entrusted to them.

OFFICE—In "The H. I. Kimball House," Nos. 16 and 18, directly over H. I. Kimball's office, fronting on the Railroad.

Geo. N. Lester will continue to reside at Marietta, and will attend the courts as heretofore, but will generally be AT THE OFFICE. march3-dtf

Blue Mountain Route

VIA

SELMA, ROME AND DALTON RAILROAD,

AND

Its Connections.

PASSENGERS leaving Atlanta by the 6:30 P. M. train of Western and Atlantic Railroad, arrive at Rome 11:20 P. M., making close connections with mail train of Selma, Rome and Dalton Railroad, arriving at Selma 10:30 A. M., and at Montgomery, via South and North Alabama Railroad at 10:15 A. M.

The road has been recently equipped, and the equipment is all entirely new. Coaches not surpassed by any in the South for strength and beauty of finish.

NO CHANGE OF CARS BETWEEN ROME AND SELMA.

Pullman's Palace Cars

Run through from Rome to Montgomery without change. Passengers for Montgomery, Selma and points beyond, arriving in Atlanta by evening trains,

AVOID A NIGHT'S DELAY

in Atlanta by taking this route.

This is the only line out of Atlanta making close and direct connections via Meridian to Jackson, Vicksburg, Monroe and other points in North Louisiana.

Purchase tickets via Kingston at General Ticket office.

☞ BAGGAGE CHECKED THROUGH ☜
Fare to all points as low as by any other route.
E. G. BARNEY, General Sup't.
JOHN B. PECK, Gen. Pas'r. Agent may30-dtf

Buy the Rust Proof Oat

FOR SEED.

200 BUSHELS FOR SALE BY
ECHOLS & WILSON,
Broad Street (by the Bridge,)
aug22—d1m Atlanta, Ga.

JOHN LEIPER. E. P. MENEFEE.

Established 1850.

LEIPER & MENEFEE,

Near the Railroad Depot,
MURFREESBORO, TENNESSEE,

PRODUCE COMMISSION MERCHANTS,

DEALERS IN

Produce, Bacon, Lard, Wheat, Corn, Etc., Etc.

Agents for the purchase of COTTON.

WAREHOUSE

Immediately on Track Railroad.

NO CHARGE FOR STORAGE.

Can Store, (if need be, for Parties,)

100,000 bushels of Grain.

And keep it in bins, thus saving Sacking, Ratage and Waste in Storage.

Having opened an office in St. Louis, Mo., our Mr. LEIPER will remain there during the season, for the purpose of filling orders for Wheat, Corn, Bacon, and all other Produce.

Office—No. 18 South Commercial street, St. Louis.
feb20-dtiljan1, '72

W. T. ARCHER,

WHOLESALE AND RETAIL DEALER IN

Furniture, Mattresses,

LOOKING GLASSES, ETC.

sept2-dtf 82 Whitehall Street, Atlanta, Ga.

W. C. WOOD. J. R. WOOD.

WOOD & BROTHER.

MERCHANDISE BROKERS.

—AND—

Cotton Commission Merchants.

LIBERAL CASH ADVANCES made on Consignments of Cotton to be sold in this market, or by our correspondents in New York or Savannah.

☞ Special attention given to selling Cotton on arrival in this market.

Merchants will find it to their interest to call and examine our samples and prices of merchandise before buying elsewhere. Prompt attention given to buying all kinds of merchandise on order in this market. Office Whitehall street, Empire Block, Atlanta, Ga. sept2-3m

Southern Terra Cotta Works.

THE undersigned are now prepared to receive orders for all kinds of Terra Cotta work, of the most approved patterns and designs. They will make it to the interest of all parties wishing articles in their line to call on them and encourage their new enterprise, and will guarantee to furnish such articles at lower rates than they can be obtained at any other manufactory in the Southern country. Window Caps, Flower Vases, Fountains, Brackets, Madelion, etc. ALL SIZES VITRIFIED STONE SEWER PIPE always on hand.

All are especially invited to call and see our works. Samples to be seen at the factory on old Race Track street, near Barracks.
P. PELLEGRINI,
april19—d1m E. GIORGI.

A CARD.

THE undersigned respectfully announces to the public that having withdrawn from the old firm of E. Andrews & Co., he will remain with the firm of C. P. May & Co., where he will be pleased to serve his old friends, and as many new ones as may honor him and the new firm with their confidence, and where will be found a large assortment of goods and findings in our line. Respectfully, E. ANDREWS.
july 4-dtf

ANCHOR LINE STEAMERS.

SAIL, every Wednesday and Saturday, to and from

NEW YORK AND GLASGOW,

Calling at Londonderry to land Mails and Passengers.

The steamers of this favorite line are built expressly for the Atlantic Passenger Trade, and fitted up in every respect with all the modern improvements calculated to insure the safety, comfort, and convenience of passengers.

Passage Rates, Payable in Currency, to Glasgow, Liverpool and Londonderry:

First Cabin, $65 and $75, according to Location.
Cabin Return Tickets, $130, securing best accommodations.
Intermediate, $33. | Steerage, $28.

Parties sending for their friends in the Old Country can purchase tickets at reduced rates. For further particulars apply to HENDERSON BROTHERS, 7 Bowling Green, N. Y., or to V. DUNNING, Sleeping Car Office, Atlanta, Ga. Responsible Agents wanted in town and country. june11-d w3m.

CATALOGUES GOTTEN UP IN THE MOST approved style at THE CONSTITUTION office.

GRANTVILLE, GA., April 7, 1871.

Messrs. McBride & Co., Atlanta, Ga.:

We have just marked the Crockery, etc. We are pleased with the bill. Allow us to congratulate you on securing such a good packer—scarcely a piece broken.

Fill the order for Cutlery at lowest prices.
Truly yours,
GARRETT & ZELLERS.

McBride & Co.,

Manufacturers' Agents

FOR

FRUIT JARS,

Cheapest first-class Jars in the Market.

Victory! Eureka!



And all Standard Jars, Strictly at Manufacturers' Prices.

500 Crates

Assorted Granite, etc.,

Ware exactly suited to wants of

COUNTRY MERCHANTS.

Our Own Importation,

IN

ORIGINAL PACKAGE,

contain no

High-Priced Dishes,

OR

UNSALEABLE GOODS.

Will sell for net CASH for $80 per Crate.
apr8-dtf

FIRST PREMIUM

Awarded at Cotton States Fair, Augusta,



Thomasville Fair, and all Southern Fairs where Exhibited,

1870!

THE SINGER MANUFACTURING COMPANY,

AT THE WORLD'S FAIR,

CONSTITUTED by the homes of the people, received the Great Award of the Highest Sales, and have left all rivals far behind them, for they sold in 1870, One Hundred and Twenty-seven Thousand Eight Hundred and Thirty-three Machines.

The Singer Manufacturing Company sold over the Florence Sewing Machine Company..........110,173 Machines.
Sold over the Wilcox & Gibbs' Sewing Machine Company..........98,943 "
Sold over the Weed Sewing Machine Company..........92,831 "
Sold over the Grover & Baker Sewing Machine Company..........70,431 "
Sold over the Howe Maching Company..........52,677 "
Sold over the Wheeler & Wilson Manufacturing Company..........44,625 "

It is the most simple and easily regulated Machine now in use.

The shuttle gives an even tension from the full to the empty bobbin.

Makes the most durable, elastic and smooth stitch.

Stitching the softest muslin without drawing it into the feed, and from that to heavy cloth or leather without changing the tension, making it capable of a greater range of work than any other machine made.

We use the straight needle, and it will do more and finer work than the curved needles.

The work moves from you instead of sideways, which is much easier to manage.

For speed and ease of operation it is unequaled.

Our machinery is all protected from dust.

Our corder, tucker, gatherer, quilter, trimmer, fringer, binder, hemmer, braider, feller and embroidery attachment are simple and easily used.

We have the best of silks of our own manufacture at wholesale and retail, of all colors and numbers.

We will place the Singer in your family for a trial with any machine you may wish to try with it.

The sales of our New Family Sewing Machine is steadily increasing, showing its popularity.

The new No. 1 Machine for Tailors and Bootmakers is the best in the market.

Examine before purchasing.

Are now sold on easy terms at the Atlanta Agency.
R. T. SMILLIE, Local Agent,
Corner of S. Broad and W. Alabama streets.
Agents wanted everywhere.
Silk Thread, Needles, Oil, etc., always on hand.
Stitching neatly done.
H. D. HAWLEY,
General Agent for Georgia, South Carolina and Florida. may12-1y

SIMMONS' LIVER REGULATOR!

LIVER DISEASE and Indigestion prevail to a greater extent than probably any other malady, and relief is always anxiously sought after. If the Liver is Regulated in its action, health is almost invariably secured. In digestion, or want of action in the Liver, causes Headache, Constipation, Jaundice, Pain in the Shoulders, Cough, Dizziness, Sour Stomach, bad taste in the mouth, bilious attacks, palpitation of the heart, depression of spirits, or the blues, and a hundred other symptoms, SIMMONS' LIVER REGULATOR is the best remedy that has ever been discovered for these ailments. It acts midly, effectually, and being a simple vegetable compound, and can do no injury in any quantities that it may be taken. It is harmless in every way; it has been used for forty years, and hundreds of the good and great from all parts of the country will vouch for its virtues, viz:

Hon. Alexander H. Stephens, of Georgia.
Bishop Pierce, of Georgia.
Jno. Gill Shorter, ex-Governor of Alabama.
Gen. John B. Gordon.
R. L. Mott, of Columbus, Ga.

are among the hundreds of whom we can refer to.

Price, $1.00. By mail, postage prepaid, $1.25.
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